Suction Dredge Permitting Program

Final
Subsequent Environmental Impact Report

Prepared for:

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March 2012

Horizon Water and Environment. 2012 (March). *Suction Dredge Permitting Program—Final Subsequent Environmental Impact Report*. HWE 09.005. Oakland, CA.

TABLE OF CONTENTS

Appendices

Appendices *(continued)*

Tables

Acronyms

µm	micrometer(s)
AB	Assembly Bill
AIS	aquatic invasive species
APA	Administrative Procedure Act
BMPs	Best Management Practices
Cal-Tip	Californians Turn In Poachers and Polluters Program
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CWA	Clean Water Act
CV Basin Plan	Central Valley Basin Plan
Delta	Sacramento–San Joaquin Delta
Department	California Department of Fish and Game
DO	dissolved oxygen
DEIR	Draft Environmental Impact Report
DSEIR	Draft Subsequent Environmental Impact Report
FERC	Federal Energy Regulatory Commission
FSEIR	Final Subsequent Environmental Impact Report
FYLF	Foothill yellow-legged frog
Hg	mercury
ITP	incidental take permit
Kg	kilogram(s)
LC50	Lethal Concentration 50
LSAA	Lake and Streambed Alteration Agreement
MR	Master Response
MYLF	Mountain yellow-legged frog
NOA	Notice of Availability
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
OEHHA	California Office of Environmental Health Hazard Assessment
PCBs	Polychlorinated Biphenyls
Program or Proposed Program	Suction Dredge Permitting Program
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
Se:Hg	molar ratio of selenium to mercury
SLC	California State Lands Commission
SNYLF	Sierra Nevada yellow-legged frog
SONCC	Southern Oregon/Northern California Coast
SWRCB	State Water Resources Control Board
TCP	Traditional Cultural Property
TMDL	total maximum daily load
TSS	total suspended solids
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Forest Service
USGS	U.S. Geological Survey
WPT	western pond turtle
WY	water year

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Chapter 1
INTRODUCTION

The California Department of Fish and Game (Department) has prepared this Final Subsequent Environmental Impact Report (FSEIR) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of the proposed Suction Dredge Permitting Program (Program or Proposed Program). The Department prepared the FSEIR in compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.) and the State "CEQA Guidelines" (Cal. Code Regs., tit. 14, § 15000 et seq.).

1.1 Format and Organization of the Final SEIR

This FSEIR contains the following components:

Chapter 1, *Introduction*. This chapter presents the format and organization of the FSEIR, summarizes the public review period for the Draft Subsequent Environmental Impact Report (DSEIR), describes the FSEIR process in more detail, and provides some information regarding Assembly Bill (AB) 120. (See Stats. 2011, ch. 133, § 6, amending Fish and G. Code, § 5653.1, effective July 26, 2011.)

Chapter 2, *Comments Received*. CEQA requires lead agencies to prepare written responses to all significant environmental points raised in the public review and consultation process. Chapter 2 provides an overview of the comments on the DSEIR received in the form of individual comment letters, form letters, variants of the form letters, and orally in public meetings. The letters themselves and meeting transcripts are provided as appendices to the FSEIR.

Chapter 3, *Suction Dredge Regulations and Comment Responses.* This chapter first presents the proposed suction dredge regulations, as updated from the DSEIR in response to public comments. The chapter then provides responses to the comments received on the regulations. To best address the large volume of comment letters, the Department developed master responses to respond to the majority of comments received. Responses to individual comments on various stream-specific regulations are included, as well.

Chapter 4, *Responses to DSEIR Comments*. As with Chapter 3 above, master responses were developed in response to the comments on the DSEIR analysis and conclusions. Individual responses are also provided for some of the individual comment letters.

Chapter 5, *Changes and Corrections to the EIR*. Chapter 5 identifies text changes to the DSEIR made by the Department to clarify information in response to the public review and consultation process.

1.2 Public Review of the Draft EIR

Public disclosure and informed decision making are priorities under CEQA. CEQA mandates two periods during the EIR process when public and agency comments on the impacts of a proposed project are solicited: during the scoping comment period and, for a DEIR, during the public review period. The Department's related effort during scoping has been described in the DSEIR and is not repeated here.

With respect to the public review period for the DSEIR, the Department circulated a Notice of Availability (NOA) to the public, local, state, and federal agencies, and other interested parties, through direct mailing, publication in general circulation newspapers, and posting on the Department's Web site (http://www.dfg.ca.gov/suctiondredge). The NOA was also made available at various Department offices. Department issuance of the NOA began a 60-day public review period on the Proposed Program and DSEIR beginning February 28, 2011, and ending on April 29, 2011. The Department extended the comment period to May 10, 2011, to fulfill requirements of the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.). During the public review period, the Department made the DSEIR available for review via mail by specific request, on the Department's Web site, and at various county libraries across the state. At the same time, the Department also made available for public review all of the documents related to the Proposed Project; all such documents were available to the public during the review period from Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., at the Department offices listed below:

- 601 Locust Street, Redding
- 1701 Nimbus Road, Suite A, Rancho Cordova
- 1807 13th Street, Suite 104, Office of Communications, Sacramento
- 7329 Silverado Trail, Napa
- 1234 E. Shaw Avenue, Fresno
- 4949 Viewridge Avenue, San Diego
- 4665 Lampson Avenue, Suite J, Los Alamitos
- 3602 Inland Empire Blvd, Suite C-220, Ontario
- 20 Lower Ragsdale Drive, Suite 100, Monterey

1.3 Public Meetings on the Draft EIR

The Department held five publicly noticed meetings during the review period to present the Proposed Program and DSEIR to interested parties, and to receive related public comments. The Department also held a sixth meeting to ensure compliance with the APA. (See Cal. Reg. Notice Register 2011, No. 17-Z, p. 693.) The six public meetings were held at the following dates and locations (the number of attendees who signed the sign-in sheets is provided in parenthesis):

- Santa Clarita: March 23, 2011, Residence Inn by Marriott (64)
- Fresno: March 24, 2011, California Retired Teachers Association (77)
- Sacramento: March 29, 2011, California EPA Headquarters Building (306)
- Yreka: March 30, 2011, Yreka Community Center (124)
- Redding: March 31, 2011, Shasta Senior Nutrition Program (124)
- Sacramento: May 10, 2011, California Natural Resources Agency (70)

In total, over 750 individuals attended these meetings, although the exact number is difficult to determine, as some attendees did not sign in on the sign-in sheet. A number of these attendees represented governmental, tribal, or non-governmental organizations. The number of organizations represented at these meetings is not available, however a list of organizations commenting on the DSEIR is provided in Chapter 2 of this FSEIR. Transcripts for each of the meetings are included in the FSEIR as Appendix I.

1.4 Comments on the Draft Subsequent EIR

CEQA requires lead agencies to prepare written responses to all significant environmental points raised in the public review and consultation process. Consistent with the requirements, the FSEIR includes a list of all individuals, organizations, and agencies that provided comments on the DSEIR; copies or a summary of all comments received during the public review period; and the Department's written responses.

The Department received several distinct types of comments during the public comment period on the Proposed Program and DSEIR. First, the Department received a number of unique comment letters, along with six different types of form letters. The Department divided the form letters into two groups: generic form letters and variant form letters. The Department received thousands of generic form letters, signed or submitted but otherwise unaltered by the individual commenter. Variant form letters, in contrast, were generic form letters substantively revised by the individual commenter. Separate from the thousands of generic form letters, the Department received 786 individual letters during the public comment period, including a total of 297 variant form letters. The Department also received numerous oral comments, now transcribed, at each of the six public meetings.

1.5 Preparation of the Final Subsequent EIR

As stated above, CEQA requires lead agencies to prepare written responses to significant environmental points received during the public comment period. In addition, revisions to the DSEIR are shown throughout the FSEIR as follows: text that has been deleted is shown in ~~strikethrough~~ and text that has been inserted is shown in <u>underline</u>**.** The FSEIR, which includes Chapter 5, "Changes and Corrections to the EIR," along with the DSEIR, constitutes the entire EIR for the purposes of the Department's compliance with CEQA. (See generally CEQA Guidelines, § 15132.)

Importantly, the Department received a broad spectrum of comments regarding the Proposed Program and DSEIR during the public review period. Many of those comments concern environmental issues that fall within the purview of CEQA. Many others do not. For example, the Department received various comments objecting to or in support of, or making specific recommendations related to the Proposed Program. Some of these comments relate solely to the Department's proposed regulations, all without mention to any environmental issue subject to CEQA. Given the Department's written response obligations under the APA and CEQA, the Department's written responses go beyond CEQA's focus on significant environmental points. That is, the written responses to comments set forth in the FSEIR also serve to fulfill the Department's related obligations under the APA.

Taken together, the FSEIR will inform the Department's exercise of discretion with respect to final action on the Proposed Program. Prior to any such action, the Department will review and consider the FSEIR, including related public testimony. The FSEIR, in this respect, will inform any final action by the Department related to the Proposed Program under both CEQA and the APA. As such, the FSEIR is an integral part of any decision the Department may make concerning the Proposed Program and related regulations the Department may adopt as directed by the Fish and Game Code.

1.6 Assembly Bill 120

On July 26, 2011, approximately 2.5 months after the close of the public comment period on the DSEIR, Governor Brown signed Assembly Bill (AB) 120 into law. Commonly referred to as the 2011 Public Resources Budget Trailer Bill, AB 120 amended, in pertinent part, Fish and Game Code section 5653.1. (Stats. 2011, ch. 133, § 6, effective July 26, 2011.) In so doing, AB 120 extended an existing statewide moratorium on instream suction dredge mining until June 30, 2016. (Fish & G. Code, § 5653.1, subd. (b).) The State of California enacted the moratorium as an initial matter effective August 6, 2009, with the passage of Senate Bill (SB) 670 (Wiggins). (Stats. 2009, ch. 62, § 1, adding former Fish & G. Code, § 5653.1.) Under existing statute, the current moratorium on instream suction dredge mining throughout California is set to expire on July 1, 2016.

AB 120 made a number of other changes to Fish and Game Code section 5653.1 as originally enacted by SB 670. First, AB 120 set a specific end date for the moratorium, uncoupling that date specifically to any action by the Department. Under SB 670, the suction dredge moratorium was set to expire with the Department's certification of three conditions to the Secretary of State: (1) Department completion of environmental review effort currently underway, as ordered in *Karuk Tribe of California et al. v. California Department of Fish and Game* (Super. Ct. Alameda County, 2005, No. RG05211597); (2) Department adoption, as necessary, of updated regulations governing suction dredge mining under the Fish and Game Code; and (3) Department certification that the updated regulations are operative. Under current law, as noted above, the moratorium will expire by its own terms after June 30, 2016.

In addition to a specific end date, AB 120 amended Fish and Game Code section 5653.1, adding two conditions to the three described in the preceding paragraph. In general, if the

Department is able to certify all five conditions to the Secretary of State, the statutory moratorium would end upon certification. In so doing, the AB 120-extended moratorium could end before June 30, 2016, with Department action. Regarding the two additional conditions the Department must certify for the moratorium to end before June 30, 2016, AB 120 provides: (4) that any new regulations adopted by the Department governing suction dredge mining under the Fish and Game Code must "fully mitigate all identified significant environmental impacts"; and (5) a "fee structure" must be in place to "fully cover all costs" to the Department to "administer" its suction dredge permitting program. (See Fish & G. Code, 5653.1, subd. (b).)

The enactment of AB 120, effective July 26, 2011, is an important development governing suction dredge mining in California. AB 120 is also an important development with respect to the Department's ongoing effort to complete the court-ordered environmental review and rulemaking effort currently underway. In certain respects, the Department's ongoing CEQA and APA proceedings stand alone, unrelated to whether the Department can or will certify the five conditions necessary under AB 120 for the existing statutory moratorium to end earlier than June 30, 2016. For example, under existing law, the permitting fee the Department collects for individual suction dredge permits is set by statute. (*Id.*, § 5653, subd. (c).) Likewise, absent a related General Fund appropriation, the Department is precluded by law from using other funds, but for the permitting fee, to administer its *nongame* suction dredge program. (*Id.*, § 711.7, subd. (a)(1).) The Department, in this respect, has no legal authority to ensure that a full-cost fee structure is in place for its permitting program. The Department can certainly envision administering a better funded suction dredge permitting program under the Fish and Game Code. Absent a change in law, however, the Proposed Program is based on and designed to function consistent with existing law governing related permitting fees and apparent legislative intent that those fees provide appropriate funding to the Department to administer the program.

Importantly, the Court of Appeal, First Appellate District, recently issued an opinion in *Hillman et al. v. Cal. Dept. of Fish and Game* (December 28, 2011, A126402) [nonpub. opn.], 2011 Cal.App. Unpub. Lexis 9897. In so doing, the Court of Appeal reversed an Alameda County Superior Court order granting an injunction that, generally speaking, prohibited the Department from issuing suction dredge permits pending completion of the current environmental review and rulemaking effort. The Department has been subject to the preliminary injunction since July 9, 2009. Referring to AB 120 and SB 670, the court remarked, because "recently enacted legislation prohibits suction dredge mining in the near term and at least until environmental review is completed and new regulations are in place [citing Fish & Game Code section 5653.1], there is no longer a threat of immediate irreparable harm justifying provisional relief in the form of a preliminary injunction." Regardless of the injunction and AB 120, the Department is charged by the 2006 Order and Consent judgment in the Karuk litigation to complete the current CEQA review and APA effort.

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Chapter 2
COMMENTS RECEIVED

During the comment period, from February 28, 2011 to May 10, 2011, three different types of comments were received: individual comment letters, form letters, and oral comments provided at the public hearings. Six distinct types of form letters were received, as well as variants on each type of form letter. These "variants" were form letters based on the original form letter, but were substantively revised by that particular letter's author.

2.1 Individual Comment Letters

During the comment period, 786 unique comment letters were received. In addition, 69 letters were received outside of the comment period, for a total of 855 comment letters. All letters received between February 28, 2011, and August 2, 2011, have been included in **Table 2-1**. **Table 2-2** presents the same list, organized by commenter type, and sorted within those groupings by name and date received. Every letter listed below is available in **Appendix A**, in the order presented in Table 2-1.

Table 2-1. Comment Letters Received

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			2/28/2011	(b) (6)
		Roaring Camp	2/28/2011	
			2/28/2011	
			2/28/2011	
			3/1/2011	
			3/1/2011	
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			3/3/2011	
			3/3/2011	
			3/4/2011	
			3/5/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			3/5/2011	(b) (6)
			3/5/2011	
			3/6/2011	
			3/6/2011	
			3/6/2011	
			3/6/2011	
			3/7/2011	
		Inyo County	3/7/2011	
			3/7/2011	
		San Diego County	3/7/2011	
			3/7/2011	
		Karuk Tribe	3/7/2011	
			3/8/2011	
			3/8/2011	
			3/8/2011	
			3/8/2011	
			3/8/2011	
			3/9/2011	
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			3/13/2011	
			3/14/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			3/14/2011	(b) (6)
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			3/14/2011	
			3/14/2011	
			3/14/2011	
			3/15/2011	
			3/15/2011	
			3/15/2011	
			3/15/2011	
		U.S. Forest Service	3/15/2011	
			3/15/2011	
			3/16/2011	
			3/17/2011	
			3/17/2011	
			3/17/2011	
			3/18/2011	
			3/18/2011	
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			3/21/2011	
			3/21/2011	
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			3/21/2011	
		Lassen County Board of Supervisors	3/22/2011	
			3/22/2011	
			3/22/2011	
			3/22/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			3/22/2011	(b) (6)
			3/22/2011	
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Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			3/28/2011	(b) (6)
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			3/28/2011	
			3/28/2011	
			3/28/2011	
			3/28/2011	
		Santa Clara County	3/28/2011	
			3/28/2011	
			3/28/2011	
			3/28/2011	
			3/28/2011	
			3/28/2011	
			3/28/2011	
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			3/28/2011	
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			3/28/2011	
			3/29/2011	
			3/29/2011	
			3/29/2011	
		Friends of the River	3/29/2011	
			3/29/2011	
			3/29/2011	
			3/29/2011	
			3/29/2011	
			3/29/2011	
			3/29/2011	
		Karuk Tribe	3/29/2011	
		Siskiyou County	3/30/2011	
			3/30/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			3/30/2011	(b) (6)
			3/30/2011	
			3/30/2011	
			3/30/2011	
			3/30/2011	
			3/30/2011	
		Prospectors Club	3/30/2011	
			3/30/2011	
			3/30/2011	
			3/31/2011	
			3/31/2011	
			3/31/2011	
			3/31/2011	
			3/31/2011	
		American Fisheries Society	3/31/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/1/2011	
			4/2/2011	
			4/2/2011	
		North Fork Dredgers Association	4/2/2011	
			4/2/2011	
			4/2/2011	
			4/3/2011	
			4/3/2011	
	Myrna		4/3/2011	
			4/3/2011	
		Prospectors Depot	4/4/2011	
			4/4/2011	
			4/4/2011	
			4/4/2011	
			4/4/2011	
			4/4/2011	
			4/5/2011	
			4/5/2011	
		Prospectors Club	4/5/2011	
			4/5/2011	
			4/6/2011	
			4/6/2011	
			4/6/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			4/6/2011	(b) (6)
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			4/7/2011	
			4/7/2011	
			4/7/2011	
			4/7/2011	
			4/8/2011	
		RWQCB—Lahontan Region	4/8/2011	
			4/8/2011	
			4/8/2011	
			4/8/2011	
			4/8/2011	
			4/8/2011	
			4/8/2011	
			4/9/2011	
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			4/10/2011	
			4/10/2011	
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			4/10/2011	
			4/10/2011	
		J and J Mining	4/10/2011	
			4/10/2011	
			4/10/2011	
			4/11/2011	
			4/11/2011	
			4/11/2011	
			4/11/2011	
			4/11/2011	
		City and County of San Francisco	4/12/2011	
		Nevada County Clerk	4/12/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
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			4/12/2011	
			4/12/2011	
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		Central Sierra Environmental Resource Center	4/13/2011	
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			4/13/2011	
			4/13/2011	
			4/13/2011	
			4/13/2011	
			4/13/2011	
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			4/13/2011	
			4/13/2011	
			4/14/2011	
		American River Conservancy	4/14/2011	
			4/14/2011	
			4/14/2011	
			4/14/2011	
			4/14/2011	
			4/14/2011	
			4/14/2011	
			4/14/2011	
		Napa County Clerk	4/14/2011	
		Tulare County Clerk	4/14/2011	
			4/15/2011	
			4/15/2011	
			4/15/2011	
			4/15/2011	
			4/15/2011	
			4/15/2011	
			4/15/2011	
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		Fresno County Clerk	4/15/2011	
		California State Clearinghouse	4/15/2011	
			4/15/2011	
			4/16/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			4/16/2011	(b) (6)
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			4/16/2011	
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			4/18/2011	
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			4/18/2011	
			4/18/2011	
			4/18/2011	
		San Diego County Clerk	4/18/2011	
			4/18/2011	
			4/18/2011	
			4/18/2011	
			4/18/2011	
			4/19/2011	
		Sierra Nevada Mining and Industry Council	4/19/2011	
			4/19/2011	
			4/19/2011	
			4/19/2011	
		RWQCB Los Angeles	4/19/2011	
			4/19/2011	
			4/20/2011	
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			4/21/2011	
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			4/21/2011	
			4/21/2011	
			4/21/2011	
		Native American Heritage Commission	4/21/2011	
			4/22/2011	
			4/22/2011	
			4/22/2011	
			4/22/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			4/22/2011	(b) (6)
		Yurok Tribe	4/22/2011	
			4/22/2011	
		Siskiyou County	4/23/2011	
		Foothills Angler Coalition, North Fork American River Alliance, Upper American River Foundation	4/23/2011	
			4/23/2011	
			4/24/2011	
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			4/25/2011	
			4/25/2011	
			4/25/2011	
			4/25/2011	
		North Fork Association	4/25/2011	
			4/25/2011	
			4/25/2011	
			4/25/2011	
			4/25/2011	
			4/25/2011	
			4/25/2011	
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			4/25/2011	
			4/25/2011	
			4/26/2011	
			4/26/2011	
			4/26/2011	
		California Office of Mine Reclamation	4/26/2011	
			4/26/2011	
			4/26/2011	
			4/26/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6) [redacted]	[redacted]		4/26/2011	(b) (6) [redacted]
[redacted]	[redacted]		4/26/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
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[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/27/2011	[redacted]
[redacted]	[redacted]		4/28/2011	[redacted]
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[redacted]	[redacted]		4/28/2011	[redacted]
[redacted]	[redacted]		4/28/2011	[redacted]
[redacted]	[redacted]		4/28/2011	[redacted]
[redacted]	[redacted]		4/28/2011	[redacted]
[redacted]	[redacted]	East Bay Municipal Utilities District	4/28/2011	[redacted]

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			4/28/2011	(b) (6)
			4/28/2011	
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			4/29/2011	
		Prospectors Club of Southern California	4/29/2011	
			4/29/2011	
			4/29/2011	
			4/29/2011	
			4/29/2011	
			4/29/2011	
			5/1/2011	
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			5/2/2011	
		Inyo County Clerk	5/2/2011	
			5/2/2011	
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			5/2/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			5/2/2011	(b) (6)
		Sierra County Board of Supervisors	5/3/2011	
			5/3/2011	
		Humboldt County	5/3/2011	
			5/3/2011	
			5/3/2011	
		El Dorado County Board of Supervisors	5/3/2011	
		Marin Audubon Society	5/3/2011	
		Placer County Board of Supervisors	5/3/2011	
		Plumas County Board of Supervisors	5/3/2011	
			5/3/2011	
			5/4/2011	
			5/4/2011	
		Contra Costa County Flood Control	5/4/2011	
			5/4/2011	
			5/4/2011	
		Shasta County Clerk	5/4/2011	
			5/4/2011	
			5/4/2011	
			5/4/2011	
		San Francisco Estuary Partnership	5/4/2011	
			5/4/2011	
			5/4/2011	
			5/4/2011	
			5/4/2011	
		Mother Lode Goldhounds	5/4/2011	
		Friends of the SF Estuary	5/4/2011	
			5/4/2011	
			5/4/2011	
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			5/4/2011	
			5/5/2011	
			5/5/2011	
			5/5/2011	
		Salmon River Restoration Council	5/5/2011	
		Orange County Clerk	5/5/2011	
			5/5/2011	
			5/5/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			5/5/2011	(b) (6)
			5/5/2011	
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			5/6/2011	
			5/6/2011	
		North Fork American River Alliance	5/6/2011	
		Friends of Mariposa Creek	5/6/2011	
			5/7/2011	
			5/7/2011	
			5/7/2011	
			5/7/2011	
		Public Lands for the People Inc.	5/7/2011	
		Regional Council of Rural Counties	5/7/2011	
			5/7/2011	
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			5/7/2011	
			5/8/2011	
			5/8/2011	
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			5/9/2011	
			5/9/2011	
			5/9/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			5/9/2011	(b) (6)
			5/9/2011	
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			5/9/2011	
			5/9/2011	
		Friends of the North Fork	5/9/2011	
			5/9/2011	
			5/9/2011	
			5/9/2011	
			5/9/2011	
		Oregon Wild	5/9/2011	
			5/9/2011	
			5/9/2011	
			5/9/2011	
		Public Lands for the People Inc.	5/9/2011	
			5/9/2011	
			5/9/2011	
			5/9/2011	
			5/9/2011	
		North Fork Dredgers Association	5/9/2011	
		North Fork Dredgers Association	5/9/2011	
		North Fork Dredgers Association	5/9/2011	
			5/9/2011	
			5/9/2011	
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			5/9/2011	
			5/9/2011	
		California State Representative	5/9/2011	
			5/9/2011	
		Sacramento County Clerk	5/9/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6) [redacted]	[redacted]		5/9/2011	(b) (6) [redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]	Multiple Associations	5/9/2011	[redacted]
[redacted]	[redacted]	Shasta Group—Sierra Club	5/9/2011	[redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]		5/9/2011	[redacted]
[redacted]	[redacted]	Rogue Riverkeeper	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	RWQCB—Santa Ana	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	North Star International Ship Traders	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	GoldPan California	5/10/2011	[redacted]
[redacted]	[redacted]	Friends of the River	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6) [redacted]	[redacted]		5/10/2011	(b) (6) [redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	Modoc Nation	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	State Water Resources Control Board	5/10/2011	[redacted]
[redacted]	[redacted]	Gold Prospectors Association of America—Sacramento	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	Public Interest Coalition	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	Keene Engineering	5/10/2011	[redacted]
[redacted]	[redacted]	Keene Engineering	5/10/2011	[redacted]
[redacted]	[redacted]	United Auburn Indian Community of Auburn Rancheria	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	California Trout/Trout Unlimited/FFF	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]	The Sierra Fund	5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]
[redacted]	[redacted]		5/10/2011	[redacted]

Last Name	First Name(s)	Organization	Date	
(b) (6)			5/10/2011	(b) (6)
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
		U.S. Forest Service, Pacific Southwest Region	5/10/2011	
			5/10/2011	
		California State Parks—Gold Fields District	5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
		California State Lands Commission	5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
		California Legislature	5/10/2011	
		Protect American River Canyons	5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
		South Yuba River Citizens League	5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
		Kern Valley Indian Community	5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	
			5/10/2011	

Last Name	First Name(s)	Organization	Date
(b) (6)		Bureau of Land Management	5/10/2011
			5/10/2011
		Environmental Protection Agency—Region 9	5/10/2011
			5/10/2011
			5/10/2011
			5/10/2011
		Klamath Riverkeeper	5/10/2011
			5/10/2011
			5/10/2011
		Clean Water Action	5/10/2011
			5/10/2011
			5/10/2011
			5/10/2011
			5/10/2011
		Foothill Conservancy	5/10/2011
		U.S. Geological Survey	5/11/2011
			5/11/2011
			5/11/2011
			5/11/2011
		California Office of Planning and Research	5/11/2011
			5/11/2011
			5/11/2011
		Siskiyou County	5/12/2011
		California Dept Parks and Recreation—Sierra District	5/12/2011
			5/14/2011
		Solano County Clerk	5/15/2011
			5/16/2011
		U.S. Forest Service—Carlsbad Office	5/16/2011
			5/18/2011
			5/21/2011
			5/21/2011
			5/22/2011
			6/1/2011
			6/3/2011
			6/6/2011
			6/7/2011
			6/18/2011
		Roaring Camp Mining Co.	6/18/2011
			6/18/2011
			6/20/2011
			6/20/2011

Last Name	First Name(s)	Organization	Date	Letter Code
(b) (6)			6/20/2011	(b) (6)
			6/20/2011	
			6/20/2011	
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			6/20/2011	
			6/20/2011	
			6/21/2011	
		Amador County Board of Supervisors	6/27/2011	
			6/29/2011	
			7/11/2011	
			7/13/2011	
			7/13/2011	
			7/19/2011	
			7/19/2011	
		Office of Assemblymember Kristin Olsen	7/21/2011	
			7/26/2011	
			7/26/2011	
		Trinity County Resource Conservation District	7/26/2011	
			7/26/2011	
			7/26/2011	
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			7/27/2011	
			7/27/2011	
			7/27/2011	
			7/27/2011	
			7/27/2011	
			7/27/2011	
			7/27/2011	
		El Dorado County Board of Supervisors	7/27/2011	
			7/27/2011	
			7/28/2011	
			7/28/2011	
			7/28/2011	
			7/28/2011	
			7/29/2011	
			7/31/2011	
			7/31/2011	
			8/2/2011	
		El Dorado County Board of	8/2/2011	

Last Name	First Name(s)	Organization	Date	Letter Code
		Supervisors		p

Notes: CDPR = California Department of Parks and Recreation (California State Parks), FFF = Federation of Fly Fishers, RWQCB = Regional Water Quality Control Board, SF = San Francisco

Source: Data compiled by Horizon Water and Environment in 2011

Table 2-2. Comment Letters Received (by commenter type)

Commenter			Date
Federal Agencies			
U.S. Geological Survey	Alpers	Charles N.	5/11/2011
U.S. Forest Service, Carlsbad Office	Bartel	Jim	5/16/2011
U.S. Forest Service	Mendoza	Angelica	3/15/2011
U.S. Forest Service, Pacific Southwest Region	Moore	Randy	5/10/2011
U.S. Bureau of Land Management	Springer	Marc P.	5/10/2011
U.S. Environmental Protection Agency, Region 9	Strauss	Alexis	5/10/2011
State			
Office of Assemblymember Kristin Olsen	Finch	Michelle	7/21/2011
State Water Resources Control Board	Howard	Thomas	5/10/2011
California State Clearinghouse	Morgan	Scott	4/15/2011
California Office of Planning and Research	Morgan	Scott	5/11/2011
Native American Heritage Commission	Myers	Larry	4/21/2011
California State Parks—Gold Fields District	Nakaji	Scott	5/10/2011
California State Lands Commission	Oggins	Cy	5/10/2011
California Legislature	Pavley, Fran; Huffman, Jared; Evans, Noreen; Chesbro, Wesley; Wolk, Lois; and Gordon, Richard		5/10/2011
California Office of Mine Reclamation	Pompy	James S.	4/26/2011
California State Representative	Riggs	Steve	5/9/2011
California Dept Parks and Recreation—Sierra District	Walck	Cyndi	5/12/2011
Native American Tribes			
Modoc Nation	Greywolf	Jeff Kelley	5/10/2011
United Auburn Indian Community of Auburn Rancheria	Keyser	David M.	5/10/2011
Yurok Tribe	O'Rourke	Thomas	4/22/2011
Kern Valley Indian Community	Robinson	Robert	5/10/2011
Karuk Tribe	Rouvier	Helene	3/29/2011
Karuk Tribe	Tucker	Craig	3/7/2011
Regional/Local Agencies, Municipalities, and Districts			
Regional Water Quality Control Board—Santa Ana Region	Adelson	Mark G.	5/10/2011
Siskiyou County	Armstrong	Marcia	4/23/2011
Contra Costa County Flood Control	Avalon	Mitch	5/4/2011
Siskiyou County	Bennett	Grace	3/30/2011
Shasta County Clerk	Cameron	Judy	5/4/2011
Lassen County Board of Supervisors	Chapman	Jim	3/22/2011

Commenter			Date
Siskiyou County	Cook	Jim	5/12/2011
Humboldt County	Crnich	Carolyn	5/3/2011
Orange County Clerk	Daly	Tom	5/5/2011
Nevada County Clerk	Diaz	Gregory	4/12/2011
Trinity County Resource Conservation District	Dowdle	Mark	7/26/2011
Inyo County	Foote	Kammi	3/7/2011
Inyo County Clerk	Hartshorn	Michele	5/2/2011
Solano County Clerk	Hoffert	Sandy	5/15/2011
Regional Water Quality Control Board—Lahontan Region	Kemper	Lauri	4/8/2011
San Diego County	Kesian	L.	3/7/2011
San Diego County Clerk	Kesian	L.	4/18/2011
El Dorado County Board Supervisors	Nutting	Raymond J.	5/3/2011
El Dorado County Board Supervisors	Nutting	Raymond J.	7/27/2011
El Dorado County Board Supervisors	Nutting	Raymond J.	8/2/2011
Regional Council of Rural Counties	Pitto	Mary	5/7/2011
Amador County Board Supervisors	Plasse	John	6/27/2011
Santa Clara County	Rattanpanya	Mary	3/28/2011
Placer County Board of Supervisors	Roberts	Beverly	5/3/2011
Fresno County Clerk	Salazar	Victor	4/15/2011
Plumas County Board of Supervisors	Simpson	Lori	5/3/2011
East Bay Municipal Utilities District	Skykes	Richard	4/28/2011
Regional Water Quality Control Board—Los Angeles Region	Smith	Deborah	4/19/2011
City and County of San Francisco Clerk			4/12/2011
Napa County Clerk			4/14/2011
Tulare County Clerk			4/14/2011
Sacramento County Clerk			5/9/2011
Nongovernmental Organizations			
Friends of the SF Estuary	Adams	Lee	5/3/2011
Rogue Riverkeeper	Adams	Lesley	5/10/2011
Prospectors Depot	Bonafede	Phillip	4/4/2011
North Star International Ship Traders	Buchal	James	5/10/2011
Central Sierra Environmental Resource Center	Buckley	John	4/13/2011
Foothills Angler Coalition, North Fork American River Alliance, Upper American River Foundation	Carnazzo	Bill	4/23/2011
Salmon River Restoration Council	Cressey	Lyra	5/5/2011
California Trout, Trout Unlimited, FFF	Knight, C., C. Bonham and, M. Rockwell		5/10/2011
American River Conservancy	DeLacy	Elena	4/14/2011
Gold Pan California	Dunn	Mike and Rachel	5/10/2011
Friends of the River	Evans	Steven	3/29/2011
Friends of the River	Evans	Steven L.	5/10/2011
Friends of the North Fork	Garabedian	Michael	5/9/2011
North Fork Association	Gortner	Frederick	4/25/2011
Oregon Wild	Heiken	Doug	5/9/2011
Public Lands for the People Inc.	Hobbs	Gerald	5/7/2011
Public Lands for the People Inc.	Hobbs	Gerald	5/9/2011

Commenter			Date
Gold Prospectors Association of America—Sacramento	Hutchings	James	5/10/2011
Public Interest Coalition	Jasper	Marilyn	5/10/2011
Keene Engineering	Keene	Patrick	5/10/2011
Keene Engineering	Keene	Patrick	5/10/2011
San Francisco Estuary Partnership	Kelly, Judy A. and Mumley, Thomas		5/4/2011
Roaring Camp Mining Co.	Lague	Kim	2/28/2011
Roaring Camp Mining Co.	Lague	Kim	6/18/2011
North Fork Dredgers Association	Lindsay	Craig	4/2/2011
North Fork Dredgers Association	Lindsay	Craig	5/9/2011
North Fork Dredgers Association	Lindsay	Craig	5/9/2011
North Fork Dredgers Association	Lindsay	Craig	5/9/2011
Sierra Nevada Mining and Industry Council	Marshall	C. K.	4/19/2011
The Sierra Fund	Martin	Elizabeth	5/10/2011
Prospectors Club of Southern California	Milas	Martin H.	4/29/2011
Prospectors Club	Morgan	Arthur	3/30/2011
Prospectors Club	Morgan	Arthur A.	4/5/2011
Protect American River Canyons	Peach	Eric	5/10/2011
Marin Audubon Society	Peterson	Phil	5/3/2011
South Yuba River Citizens League	Rainey	Jason	5/10/2011
North Fork American River Alliance	Ricker	Jim	5/6/2011
Mother Lode Goldhounds	Robinson	Don	5/4/2011
Friends of the SF Estuary	Salzman	Barbara	5/4/2011
J and J Mining	Saulen	John	4/10/2011
Klamath Riverkeeper	Terence	Erica	5/10/2011
Multiple Associations	Tucker	S. Craig	5/9/2011
Clean Water Action	Ventura	Andria	5/10/2011
Sierra Club—Shasta Group	Waggoner	Bruce	5/9/2011
American Fisheries Society	Wagner	Eric	3/31/2011
Friends of Mariposa Creek	Windsor	Sarah	5/6/2011
Foothill Conservancy	Wright	Chris	5/10/2011
Individuals			
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		4/4/2011
		3/15/2011
		5/10/2011
		3/26/2011

Commenter	(b) (6)	Date
		3/3/2011
		5/7/2011
		5/10/2011
		4/3/2011
		5/4/2011
		3/25/2011
		5/4/2011
		5/4/2011
		4/2/2011
		4/26/2011
		4/28/2011
		4/28/2011
		3/11/2011
		5/1/2011
		5/9/2011
		5/9/2011
		3/3/2011
		4/26/2011
		3/26/2011
		5/8/2011
		4/12/2011
		3/10/2011
		5/5/2011
		5/5/2011
		5/10/2011
		6/18/2011
		3/12/2011
		5/2/2011
		4/25/2011
		4/29/2011
		5/10/2011
		3/20/2011
		3/22/2011
		4/6/2011
		5/5/2011
		5/10/2011
		4/11/2011
		3/28/2011
		5/10/2011
		6/6/2011
		7/13/2011
		7/13/2011
		5/3/2011
		5/9/2011
		4/3/2011

Commenter	(b) (6)	Date
		4/24/2011
		3/8/2011
		4/19/2011
		4/24/2011
		4/7/2011
		3/28/2011
		4/2/2011

Note: FFF= Federation of Fly Fishers, SF = San Francisco

Source: Data compiled by Horizon Water and Environment in

2.2 Form Letters

During the DSEIR comment period, many of the letters sent in were form letters. Six different types of form letters were received. In many cases, a particular author substantively revised the content of the form letter. These are referred to as variant form letters. A list of all individuals who submitted an unchanged form letter is included in **Appendix B** of this FSEIR. **Table 2-3** provides a list of the 296 variant form letters received, ordered by form type and presented in the same order as the relevant appendix. **Appendices C through H** of this FSEIR each contain a copy of one of the six different form letters, as well as copies of all the variants of that particular form letter.

Table 2-3. Variant Form Letters

FORM LETTER	Last Name	First Name(s)	Date	Comment ID
1	(b) (6)		4/24/2011	042411 (b) (6)
			3/23/2011	032311
			3/24/2011	032411
			3/25/2011	032511
			3/27/2011	032711
			3/23/2011	032311
			3/24/2011	032411
			3/23/2011	032311
			3/23/2011	032311
			3/24/2011	032411
			3/23/2011	032311
			4/20/2011	042011
			4/20/2011	042011
			3/23/2011	032311
			4/20/2011	042011
			3/23/2011	032311

FORM LETTER	Last Name	First Name(s)	Date	Comment ID	
	(b) (6)		3/23/2011	032311	(b) (6)
			3/23/2011	032311	
			5/9/2011	050911	
			3/28/2011	032811	
			3/23/2011	032311	
			3/23/2011	032311	
			3/23/2011	032311	
			3/24/2011	032411	
			3/23/2011	032311	
			3/24/2011	032411	
			3/24/2011	032411	
			4/20/2011	042011	
			3/23/2011	032311	
			3/23/2011	032311	
			3/23/2011	032311	
2			4/6/2011	040611	
			4/6/2011	040611	
			4/7/2011	040711	
			4/18/2011	041811	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/7/2011	040711	
			4/7/2011	040711	
			4/7/2011	040711	
			4/7/2011	040711	
			4/7/2011	040711	
			4/6/2011	040611	
			4/8/2011	040811	
			4/25/2011	042511	
			4/7/2011	040711	
			4/7/2011	040711	
			4/10/2011	041011	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/6/2011	040611	
			4/7/2011	040711	
			4/7/2011	040711	

FORM LETTER	Last Name	First Name(s)	Date	Comment ID	
	(b) (6)		4/6/2011	040611	(b) (6)
			4/6/2011	040611	
			4/7/2011	040711	
			4/25/2011	042511	
			4/7/2011	040711	
			4/7/2011	040711	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/9/2011	040911	
			4/6/2011	040611	
			4/6/2011	040611	
			4/16/2011	041611	
			4/6/2011	040611	
			4/6/2011	040611	
			4/7/2011	040711	
			5/4/2011	050411	
			4/27/2011	042711	
			4/7/2011	040711	
			4/6/2011	040611	
			4/7/2011	040711	
			4/14/2011	041411	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/6/2011	040611	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/13/2011	041311	
			4/7/2011	040711	
			4/13/2011	041311	
			4/6/2011	040611	
			4/7/2011	040711	
			4/6/2011	040611	
			4/9/2011	040911	

FORM LETTE	Last Name	First Name(s)	Date	Comment ID
	(b) (6)		4/13/2011	041311
			4/10/2011	041011
			4/29/2011	042911
			4/7/2011	040711
			4/6/2011	040611
			4/7/2011	040711
			4/6/2011	040611
			4/7/2011	040711
			4/6/2011	040611
			4/7/2011	040711
			4/6/2011	040611
			4/7/2011	040711
			4/7/2011	040711
			4/10/2011	041011
			4/15/2011	041511
			4/18/2011	041811
			4/7/2011	040711
			4/7/2011	040711
			4/8/2011	040811
			4/7/2011	040711
			4/7/2011	040711
			4/8/2011	040811
			4/8/2011	040811
			4/20/2011	042011
			4/14/2011	041411
			4/6/2011	040611
			4/6/2011	040611
			5/10/2011	051011
			4/7/2011	040711
			4/8/2011	040811
			4/14/2011	041411
			4/6/2011	040611
			4/6/2011	040611
			4/7/2011	040711
			4/11/2011	041111
			4/13/2011	041311
			5/10/2011	051011
			4/6/2011	040611

FORM LETTER	Last Name	First Name(s)	Date	Comment ID
	(b) (6)		4/7/2011	040711_(b) (6)
			4/7/2011	040711_
			4/13/2011	041311_
			4/7/2011	040711_
			4/11/2011	041111_
			4/6/2011	040611_
			4/6/2011	040611_
			4/6/2011	040611_
			4/15/2011	041511_
			4/9/2011	040911_
			4/6/2011	040611_
			4/6/2011	040611_
			4/7/2011	040711_
			4/6/2011	040611_
			4/7/2011	040711_
3			5/10/2011	051011_
			4/22/2011	042211_
			4/25/2011	042511_
			5/10/2011	051011_
			4/22/2011	042211_
4			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/15/2011	051511_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/5/2011	050511_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_

FORM LETTER	Last Name	First Name(s)	Date	Comment ID	
	(b) (6)		5/5/2011	050511_	(b) (6)
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/8/2011	050811_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/9/2011	050911_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/7/2011	050711_	
			5/4/2011	050411_	
			5/5/2011	050511_	
			5/4/2011	050411_	
			5/4/2011	050411_	
			5/4/2011	050411_	

FORM LETTER	Last Name	First Name(s)	Date	Comment ID
	(b) (6)		5/4/2011	050411_(b) (6)
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/5/2011	050511_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/5/2011	050511_
			5/12/2011	051211_

FORM LETTER	Last Name	First Name(s)	Date	Comment ID
	(b) (6)		5/4/2011	050411_(b) (6)
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/6/2011	050611_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/5/2011	050511_
			5/4/2011	050411_
			5/4/2011	050411_
			5/9/2011	050911_
			5/4/2011	050411_
			5/4/2011	050411_
5			04/21/2011	042111_
6			4/25/2011	042511_
			4/13/2011	041311_
			4/15/2011	041511_
			4/27/2011	042711_
			5/13/2011	051311_
			4/15/2011	041511_
			4/30/2011	043011_
			5/8/2011	050811_
			6/3/2011	060311_
			4/14/2011	041411_

FORM LETTE	Last Name	First Name(s)	Date	Comment ID
	(b) (6)		5/3/2011	050311_(b) (6)
			4/14/2011	041411_
			5/2/2011	050211_
			4/22/2011	042211_
			4/22/2011	042211_
			4/19/2011	041911_
			4/21/2011	042111_
			4/14/2011	041411_
			4/14/2011	041411_
			4/13/2011	041311_
			4/15/2011	041511_
			5/2/2011	050211_
			4/18/2011	041811_
			4/29/2011	042911_

2.3 Meeting Transcripts

The individuals who spoke at each meeting are listed in **Table 2-4** in the order that they appear in the transcripts. Some individuals spoke more than once at a particular meeting. The six public meeting transcripts are available in **Appendix I**.

Table 2-4. Public Meeting Commenters

Location: Date	(b) (6)
Santa Clarita: 3/23/2011	

Location: Date	Last Name	First Name
	(b) (6)	
Fresno: 3/24/2011		
Sacramento: 3/29/2011		

Location: Date	Last Name	First Name
	(b) (6)	
Yreka: 3/30/2011		

Location: Date	Last Name	First Name
	(b) (6)	
Redding: 3/31/2011		
Sacramento: 5/10/2011		

Location: Date	Last Name	First Name
	(b) (6)	

Chapter 3
SUCTION DREDGE REGULATIONS AND COMMENT RESPONSES

As previously described, the Department received a large number of letters and emails during the public comment period on the DSEIR related to the draft regulations, as well as extensive oral comments provided at the six public hearings conducted during the comment period. Many of these comments addressed identical or similar topics. To streamline the response process, the Department created a set of Master Responses that addresses those issues receiving the most comment. These Master Responses consider the body of comments received on each topic and address the topic as comprehensively as possible, such that the responses speak to the various substantive issues raised in individual comments. A set of appendices to this FSEIR provides a cross-reference between the comment letters and individuals speaking at public meetings with the various master response(s). Specifically, **Appendix J** addresses the unique comment letters; **Appendix K** addresses the individuals speaking at the public meetings and **Appendix L** addresses the form letters and variants.

The proposed regulations are first provided below. Master Responses are then provided. Finally, many comment letters contained comments regarding the stream-specific regulations, and have been answered individually or with a unique stream-specific Master Response.

3.1 Proposed Regulations

The following proposed regulations reflect the public comments received and current data. Revisions to these regulations in comparison to those presented in the DSEIR are included in Chapter 5, "Changes and Corrections to the EIR.

TITLE 14. NATURAL RESOURCES

Division 1. Fish and Game Commission-Department of Fish and Game

Subdivision 1. Fish, Amphibians and Reptiles

Chapter 8. Miscellaneous

Section 228 and 228.5. Suction Dredging.

PROPOSED AMENDMENTS TO REGULATIONS

§ 228. Suction Dredging.

The Department has adopted this Section and Section 228.5 pursuant to Fish and Game Code Section 5653.9, and to make specific and otherwise implement Fish and Game Code Section 5653, specifically. Pursuant to that authority, the Department finds that suction dredging subject to and consistent with the requirements of Sections 228 and 228.5 will not be deleterious to fish.

(a) Definitions.

(1) Suction dredging. For purposes of Section 228 and 228.5, the use of vacuum or suction dredge equipment (i.e. suction dredging) is defined as the use of a motorized suction system to vacuum material from the bottom of a river, stream or lake and to return all or some portion of that material to the same river, stream or lake for the extraction of minerals. A person is suction dredging as defined when all of the following components are operating together:

(A) A hose which vacuums sediment from a river, stream or lake; and

(B) A motorized pump; and

(C) A sluice box.

(2) Motorized. For purposes of these regulations, "motorized" means a mechanical device powered by electricity or an internal combustion engine.

(b) Permit requirement. Every person who operates the intake nozzle of any suction dredge shall have a suction dredge permit in his/her immediate possession. Any amended permit shall also be in his/her immediate possession. Suction dredge permits shall be valid from the first day of the year for one calendar year or if issued after the first day of the year, for the remainder of that year. The Department will charge a fee for each suction dredge permit pursuant to Section

5653, subdivision(c), of the Fish and Game Code. Permits may be obtained at any Department license sales office.

Any person with a qualifying disability under the Americans with Disabilities Act, who presents a Disabled Person DMV registration or other State, or Federal approved documentation of disability, and who requires assistance in operating a suction dredge may also apply for an assistant suction dredge permit. Any assistant suction dredge permit issued by the Department to such disabled person shall be in the disabled applicant's name and shall be issued at no charge. The disabled permittee must be present at the dredge site while the assistant is operating the suction dredge. The assistant shall have the assistant suction dredge permit in his/her immediate possession while assisting the disabled permittee in suction dredging activities. Any assistant may be prosecuted for a violation of the laws or regulations pertaining to suction dredging. The disabled permittee may be prosecuted for a violation of the laws or regulations pertaining to suction dredging committed by his/her assistant.

(c) Permit application. Suction dredge permit applications shall be made available at any Department license sales office using the Department's Automated License Data system. No suction dredge permit shall be issued by the Department unless an application has been completed by the permit applicant. At a minimum, a completed application shall contain all of the following information:

(1) Identification and contact information for the permit applicant based on any of the following:

(A) Any license document or identification number previously issued via the Department's Automated License Data System,

(B) A valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the

entity issuing driver's licenses from the licensee's state of domicile,
(C) U.S. Birth Certificate,
(D) U.S. Certificate or Report of Birth Abroad,
(E) Immigration and Naturalization Service American Indian Card,
(F) Birth Certificate or passport issued from a US Territory,
(G) U.S. Passport,
(H) U.S. Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel), or
(I) Certificate of Naturalization or Citizenship.

(d) Permit Amendment. Applicants may amend suction dredge permits at a Department license sales office, at no additional cost, by submitting an amendment form providing the Department with their permit number and modifications or additions to the information specified in the original application.

(e) Permits Requiring an On-site Inspection. Where an on-site inspection is required, a permit, or amended permit, is not valid until the permittee has contacted the appropriate Department Regional Office to arrange an inspection, the inspection has been completed and the Department has provided written approval of the proposed suction dredging.

(f) Permits Requiring Notification Pursuant to Section 1602 of the Fish and Game Code. Where a notification is required pursuant to these regulations, a permit, or amended permit, is not valid until the permittee has in their possession documentation of compliance with Fish and Game Code Section 1602, subdivision (a), for the proposed suction dredging, including a copy of their notification to the

Department; any response to the notification by the Department pursuant to Fish and Game Code Section 1602, subdivision(a)(4)(A)(i); and a Lake or Streambed Alteration Agreement if required.

(g) Number of Permits. The Department shall issue a maximum of 1,500 permits annually, on a first-come, first-serve basis.

(h) Suction Dredge Reporting. Each permittee shall possess, maintain and submit to the Department a completed annual Report Card for each year that a suction dredge permit is held. The Report Card shall be received by the Department no later than the following January 15. The Department shall furnish the Report Card to all permittees when a permit is sold. Failure to timely submit the Report Card as required may result in revocation, suspension or non-issuance of any subsequent suction dredge permit issued to the permittee by the Department. At a minimum, the Report Card will require the permittee to provide the following information to the Department:

(1) The location of each site where the permittee operated the nozzle of a suction dredge. Pertinent information includes river, stream or lake name, county, nearest town or city, latitude and longitude or topographic map name with township, range, section and quarter section;

(2) The dates of operation for suction dredging at each location;

(3) The beginning and end times for operation each day, and

(4) The nozzle size and horsepower for each suction dredge operated at each location.

The permittee shall have the Report Card in his/her possession when suction dredging; the Report Card shall be up to date with required information during suction dredging, including information regarding prior and current suction dredging activity; and the permittee shall provide the Report Card to any Department representative for inspection upon request.

(i) Permit Revocation or Suspension. Any suction dredge permit, or amended suction dredge permit may be revoked or suspended by the assistant chief of enforcement for any violation of the laws or regulations pertaining to suction dredging. The assistant chief of enforcement may, in his/her discretion, revoke or suspend the permit or amended permit based on past citations or convictions of such laws or regulations. Once a permit or amended permit has been revoked, no new suction dredge permit may be obtained by that person in the current year or for the calendar year subsequent to the revocation. An assistant chief of enforcement's decision to revoke or suspend a permit or amended permit may be appealed to the director. Any revocation or suspension of a permit or amended permit shall be in accordance with the following provisions:

(1) Hearing When Permittee Convicted of Violation. In the case where the permittee has already been convicted of a violation of Section 5653 or 5653.3 of the Fish and Game Code or any regulation pertaining thereto permitted by said code, the assistant chief of enforcement shall schedule a hearing to consider the revocation or suspension of his/her permit:

(A) Notification. The assistant chief of enforcement shall notify the permittee, by certified letter, of the intent to consider the revocation or suspension of his/her permit or amended permit at the hearing. The certified letter shall include the following information:

1. Name of permittee and last known address.
2. Date, time and place of scheduled hearing,
3. Reason for impending action, including a statement as to date and fact of conviction(s).
4. A copy of Section 228, Title 14, California Code of Regulations.
5. A statement that the permittee has the right to appear and to be represented by legal counsel.

(B) Recording. The proceedings of the hearing shall be recorded by an electronic tape recording system.

(C) Reading of Documents. At the hearing, the assistant chief of enforcement shall read the conviction documents. The Department shall provide the assistant chief of enforcement with the background information regarding the violation(s) and conviction(s) and shall submit into the record a copy of the document(s) which include(s) the facts of the conviction(s) of a violation of the regulation(s) or statute.

(D) Statement by Permittee. The permittee shall make his/her statement regarding the violation(s) and conviction(s), and may argue that extenuating circumstances were such as to not warrant the loss of his/her permit or amended permit.

(E) Questioning. The permittee or the Department personnel may be questioned by the assistant chief of enforcement.

(F) Findings. At the conclusion of the hearing, the assistant chief of enforcement shall make a decision which contains findings or reasons for the proposed action.

(G) Notification by Certified Mail. After the hearing, the assistant chief of enforcement shall provide the permittee, by certified mail, a copy of the final decision.

(H) Appeal. The permittee may request an appeal in writing to the director within 30 days of the date of receipt of the assistant chief of enforcement’s decision. The director shall respond to an appeal in writing within 45 days from receipt of notice of request to appeal.

(I) Judicial Review. The permittee may request judicial review by filing a petition for writ of mandate in accordance with provisions of the Code of Civil Procedure within 30 days from the date of the decision. The record of the proceedings shall be prepared by the Department and

delivered to the petitioner within 30 days after receipt of petitioner's request and upon payment of the fee specified in Section 69950 of the Government Code.

(2) Hearing When Permittee Cited but Not Convicted. In the case where the permittee has not been convicted of a violation of Section 5653 of the Fish and Game Code or any regulation pertaining to suction dredging permitted by said code, but has been cited by the Department, the assistant chief of enforcement shall schedule a hearing to consider the revocation or suspension of his/her permit or amended permit.

(A) Notification. The assistant chief of enforcement shall notify the permittee, by certified letter, of the intent to consider the revocation or suspension of his/her permit or amended permit at the hearing. The certified letter shall include the following information:

1. Name of permittee and last known address.
2. Date, time and place of scheduled hearing.
3. Reason for impending assistant chief of enforcement’s action, including a concise statement of the acts or nonactions of the permittee which constitutes a violation of Section 5653 or 5653.3, of the Fish and Game Code or regulations made pursuant thereto.
4. A copy of Section 228, Title 14, California Code of Regulations.
5. A statement that the permittee has the right to appear and to be represented by legal counsel.

(B) Recording. The proceedings of the hearing shall be recorded by an electronic type recording system.

(C) Presentation of Evidence. The permittee and the Department have the right to present evidence at the scheduled hearing as follows:

1. Oral evidence shall be taken on oath or affirmation.

2. Each party may call and examine witnesses, cross-examine opposing witnesses on any relevant matter, may rebut evidence against him/her, and may orally argue the matter.

3. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons would rely in the conduct of serious affairs.

4. The permittee or the Department may be questioned by the assistant chief of enforcement.

(D) Findings. At the conclusion of the hearing, the assistant chief of enforcement shall make a decision based on the evidence presented at the hearing and shall issue written findings containing reasons for the decision and the evidence relied upon.

(E) Notification by Certified Mail. After the hearing the assistant chief of enforcement shall provide the permittee, by certified mail, a copy of the final decision.

(F) Appeal. The permittee may request an appeal in writing to the director within 30 days of the date of receipt of the assistant chief of enforcement’s decision. The director shall respond to an appeal in writing within 45 days from receipt of notice of request to appeal.

(G) Judicial Review. The permittee may request judicial review by filing a petition of writ of mandate in accordance with provisions of the Code of Civil Procedure within 30 days from the date of the director's decision.

The record of the administrative proceedings shall be prepared by the Department and delivered to the petitioner within 30 days after receipt of petitioner's request and upon payment of the fee specified in Section 69950 of the Government Code.

(j) Use of Suction Dredges in Lakes and Reservoirs. No suction dredging is permitted within the current water level in any lake or reservoir unless:

(1) The Department has conducted an on-site inspection and approved the proposed suction dredging operation in writing;
(2) The permittee has a valid suction dredge permit; and
(3) The permittee has in their possession documentation of compliance with Fish and Game Code Section 1602, subdivision (a), for the proposed suction dredging operation, including a copy of the permittee’s notification to the Department; any response by the Department pursuant to Fish and Game Code Section 1602, subdivision(a)(4)(A)(i), and, in the event a Lake or Streambed Alteration Agreement is required authorization from the Department for the proposed suction dredging operations at the location specified in the permit application pursuant to subdivision (c).

For purposes of this subdivision, suction dredging in any tributary river or stream in the exposed bed of any partially empty lake or reservoir shall be governed by the requirements in Section 228.5 for that tributary river or stream.

(k) Equipment Requirements.

(1) Nozzle Restriction. No suction dredge having an intake nozzle with an inside diameter larger than four inches may be used unless:

(A) The Department has conducted an on-site inspection and approved a larger nozzle size in writing; the maximum inside diameter of the intake nozzle is no larger than six inches, or eight inches where allowable under subdivision(k)(1)(E); and

(B) The permittee has a valid suction dredge permit; and

(C) The permittee has in their possession documentation of compliance with Fish and Game Code Section 1602, subdivision(a), for the proposed suction dredging operation, including a copy of his/her notification to the Department; any response to the notification by the Department pursuant to Fish and Game Code Section 1602, subdivision(a)(4)(A)(i); and specific authorization from the Department for a vacuum nozzle greater than four inches in diameter if a Lake or Streambed Alteration Agreement is required; or

(D) Except as provided by subdivision (k)(1)(A), a constricting ring with an inside diameter not larger than four inches has been attached to the intake nozzle. This constricting ring must be of solid, one-piece construction with no openings other than the intake and openings not greater than one inch between the constricting ring and nozzle. It must be welded or otherwise permanently attached over the end of the intake nozzle. No quick-release devices are permitted.

(E) Suction dredge intake nozzles up to eight inches in diameter may be permitted at the Department's discretion in accordance with subdivision(k)(1)(A), only on the following rivers:

(1) American (Placer and El Dorado Counties);

(2) Cosumnes (Sacramento, Amador and El Dorado Counties);

(3) Feather (Butte, Plumas and Yuba Counties);

(4) Klamath (Del Norte, Humboldt and Siskiyou Counties);
(5) Merced (Mariposa and Merced Counties);
(6) Mokelumne (Amador, Calaveras and San Joaquin Counties);
(7) New (Trinity County);
(8) Scott (Siskiyou County);
(9) Trinity (Trinity and Humboldt Counties); and
(10) Yuba (Sierra, Nevada and Yuba Counties).

(2) Hose Restriction. The inside diameter of the intake hose may not be more than two inches larger than the permitted intake nozzle size or constricting ring, whichever is smaller.

(3) Pump Intake Screening. The intake for the suction dredge pump shall be covered with screening mesh. Screen mesh openings shall not exceed 3/32 inch (2.38 mm) for woven wire or perforated plate screens, or 0.0689 inch (1.75 mm) for profile wire screens, with a minimum 27% open area.

(4) Suction dredges must include a containment system under the motor and fuel tanks. The containment system must be sufficient in size to completely accommodate the full volume of all fuel, lubricants and chemicals without overtopping or leaking.

(l) Restrictions on Methods of Operation.

(1) Motorized winching or the use of other motorized equipment to move boulders, logs, or other objects is prohibited, unless:

(A) The Department has conducted an on-site inspection and approved the proposed suction dredging operations in writing; and
(B) The permittee has a valid suction dredge permit; and
(C) The permittee has in their possession documentation of compliance with Fish and Game Code Section 1602, subdivision (a), for the proposed suction dredging operations, including a copy of their notification to the

Department; any response to the notification by the Department pursuant to Fish and Game Code Section 1602, subdivision(a)(4)(A)(i); and specific authorization from the Department for motorized winching if a Lake or Streambed Alteration Agreement is required.

(2) Winching, whether motorized or hand powered, shall be conducted under the following provisions:

(A) Boulders and other material may only be moved within the current water level. No boulders or other material shall be moved outside the current water line level.

(B) Winching of any material embedded on banks of streams or rivers is prohibited.

(C) Winching of any material into a location which deflects water into the bank is prohibited.

(D) Nets and other devices may be used to collect cobbles and boulders by hand for removal from dredge holes providing the materials are not removed from within the current water level.

(E) No woody streamside vegetation shall be removed or damaged. Trees of sufficient size and condition may be used as winch and pulley anchor points provided that precautions are taken to ensure that trunk surfaces are protected from cutting or abrasions and the tree is not uprooted.

(3) No person shall operate the nozzle of a suction dredge and remove material within three feet of the lateral edge of the current water level, including at the edge of instream gravel bars or under any overhanging banks.

(4) No person shall remove or damage streamside vegetation during suction dredge operations.

(5) No person shall cut, move or destabilize instream woody debris such as root wads, stumps or logs.

(6) No person shall divert the flow of a river or stream into the bank.

(7) For the purpose of suction dredge mining subject to this section, no person shall construct a dam or weir, concentrate flow in a way that reduces the total wetted area of a river or stream, or obstruct fish passage; unless:

(A) The Department has conducted an on-site inspection and approved the proposed suction dredging operations in writing; and

(B) The permittee has a valid suction dredge permit; and

(C) The permittee has in their possession, documentation of compliance with Fish and Game Code Section 1602, subdivision (a), for the proposed suction dredging operations, including a copy of their notification to the Department; any response by the Department to the notification pursuant to Fish and Game Code Section 1602, subdivision (a)(4)(A)(i); and specific authorization for the proposed activity if a Lake or Streambed Alteration Agreement is required.

(8) No person shall import any earthen material into a stream, river or lake.

(9) All fueling and servicing of dredging equipment must be done in a manner such that petroleum products and other substances are not leaked, spilled or placed where they may pass into the waters of the state.

(10) No fuel, lubricants or chemicals may be stored within 100 feet of the current water level. Where this is not feasible, a containment system must be in place beneath the fuel, lubricants or chemicals. The containment system must be sufficient in size to completely accommodate the full volume of all fuel, lubricants and chemicals without overtopping or leaking.

(11) Stream substrate, including gravel, cobble, boulders and other material may only be moved within the current water level.

(12) No person shall displace any material embedded on banks of rivers or streams.

(13) No person shall disturb any mussel bed. A mussel bed is defined as an area of any size where the density of mussels is 10 or more/square yard. Suction dredging activities, including deposition of tailings, shall not occur within 30 yards upstream of a mussel bed, or within 10 yards laterally or downstream.

(14) Reasonable care shall be used to avoid dredging silt and clay materials that would result in a significant increase in turbidity.

(15) The permittee shall level all tailing piles, returning the site to the pre-mining grade to the greatest extent possible, prior to finishing use of the excavation site for the suction dredging season, or working another excavation site.

(16) No person shall disturb any redds, actively spawning fish, amphibian egg masses or tadpoles. If encountered while operating a suction dredge, the permittee must cease operations and relocate dredging activities.

(17) The willful entrainment of finfish, mollusks or amphibians is prohibited.

(18) No person shall use wheeled or tracked equipment instream as part of suction dredging.

(19) All suction dredge equipment shall be cleaned of mud, oil, grease, debris, and plant and animal material before use in a river, stream or lake.

(20) Before relocating a suction dredge to another waterbody, water shall be drained from all equipment for at least two weeks or the suction dredge and associated equipment must be decontaminated. Decontamination must include pressure washing with water > 120 degrees Fahrenheit and/or chemical decontamination of all surfaces using bleach, vinegar, ammonia or potassium permanganate solution.

(21) No person shall operate a suction dredge within 500’ of another operating suction dredge. For purposes of these

regulations, "operating" shall mean that the motor on the suction dredge is creating a vacuum through the vacuum hose and nozzle.

(m) State Wildlife Areas and Ecological Reserves. Consistent with Title 14, Sections 550, subdivision (b)(10), and 630, subdivision (a)(1), of the California Code of Regulations, suction dredging is prohibited in State Wildlife Areas and Ecological Reserves.

(n) Compliance with Other Laws. Nothing in any permit or amended permit issued pursuant to these regulations authorizes the permittee to trespass on any land or property, or relieves the permittee of the responsibility to comply with applicable federal, State, or local laws or ordinances.

(o) Emergency Closure. The Department may initiate emergency regulatory action pursuant to Government Code Section 11346.1 to close any water to suction dredging.

(p) Timing of Activity. Active suction dredging operations may only be conducted between 10:00 a.m. and 4:00 p.m.

§ 228.5. Suction Dredge Use Classifications and Special Regulations.

(a) Suction Dredge Use Classifications. For purposes of these regulations, the following classes of suction dredge use restrictions apply in California's lakes, reservoirs, streams and rivers as specified:

(1) Class A: No dredging permitted at anytime.
(2) Class B: Open to dredging from July 1 through August 31.
(3) Class C: Open to dredging from June 1 through September 30.
(4) Class D: Open to dredging from July 1 through January 31.
(5) Class E: Open to dredging from September 1 through January 31.

(6) Class F: Open to dredging from July 1 through September 30.

(7) Class G: Open to dredging from September 1 through September 30.

(8) Class H: Open to dredging throughout the year.

(b) Suction Dredge Special Regulations. The Suction Dredge Use Classifications set forth in subdivision (a)apply for each of the rivers or streams in each of the counties listed below. Lakes and reservoirs statewide are Class H.

(1) Alameda

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams from Alameda Creek south to the Alameda-Santa Clara County line, unless otherwise noted below	C
Multiple Waters	All rivers and streams east of I-680 and south of I-580, and above 1,000 feet elevation, unless otherwise noted below	D
Alameda Creek	Mainstem and all tributaries	A
Arroyo Viejo	Mainstem and all tributaries	A
Codornices Creek	Mainstem	A
Peralta Creek	Mainstem	A
San Leandro Creek	Mainstem from San Francisco Bay upstream to Lake Chabot	A
San Lorenzo Creek	Mainstem and all tributaries	A
Sausal Creek	Mainstem and all tributaries	A
Ward Creek	Mainstem	A

(2) Alpine

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Arnot Creek	Mainstem and all tributaries	A
Caples Lake tributaries	All waters draining to Caples Lake	A

Carson River, East Fork	Mainstem and all tributaries from California-Nevada State Line to Carson Falls, unless otherwise noted	G
Carson River, East Fork	Mainstem and all tributaries upstream from Carson Falls	A
Carson River, West Fork	Mainstem and all tributaries, unless otherwise noted below	G
Disaster Creek	Mainstem and all tributaries	A
Heenan Lake tributaries	All waters draining to Heenan Lake	A
Mokelumne River, North Fork	Mainstem and all tributaries	A
Murray Canyon Creek	Mainstem and all tributaries	A
Pleasant Valley Creek	Mainstem and all tributaries	A
Poison Flat Creek	Mainstem and all tributaries	A
Silver Creek	Mainstem and all tributaries upstream from Pennsylvania Creek	A
Silver Fork American River	Mainstem and all tributaries	A
Silver King Creek	Mainstem and all tributaries upstream from Snodgrass Creek	A
Silver Lake tributaries	All waters draining to Silver Lake	A
Stanislaus River, North Fork	Mainstem and all tributaries upstream from Union Reservoir	A
Truckee River, Upper	Mainstem and all tributaries	A

(3) Amador

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Streams	All rivers and streams in the County west of Highway 49, unless otherwise noted below	C
Cole Creek	Mainstem and all tributaries upstream from North Fork Mokelumne River	A
Cosumnes River, South Fork	Mainstem and all tributaries	D
Mokelumne River	Mainstem from Pardee Dam upstream to Highway 49	D
Mokelumne River, North Fork	Mainstem and all tributaries from Tiger Creek to Salt Springs Reservoir, except Cole Creek	E

Mokelumne River, North Fork	Mainstem and all tributaries from Salt Springs Reservoir upstream to Amador-Alpine County Line	A
Silver Fork American River	Mainstem and all tributaries	A
Silver Lake tributaries	All waters draining to Silver Lake	A
Tragedy Creek	Mainstem and all tributaries	A

(4) Butte

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	C
Butte Creek	Mainstem and all tributaries from County Line upstream to Centerville Head Dam, unless otherwise noted	A
Butte Creek	Mainstem and all tributaries from Centerville Head Dam upstream to De Sabla Powerhouse, unless otherwise noted	E
Butte Creek	Mainstem and all tributaries from De Sabla Powerhouse upstream to Bolt Creek, unless otherwise noted	F
Butte Creek	Mainstem and all tributaries upstream of Bolt Creek, unless otherwise noted	A
Fall River	Mainstem	A
Feather River	Mainstem to Lake Oroville	A
Feather River, Middle Fork	Mainstem and all tributaries upstream of Lake Oroville, unless otherwise noted	D
Feather River, North Fork	Mainstem and all tributaries upstream of Lake Oroville, unless otherwise noted	D
Feather River, South Fork	Mainstem and all tributaries upstream of Lake Oroville, unless otherwise noted	D
Mill Creek	Mainstem and tributaries	A
Pinkard Creek	Mainstem upstream of Lost Creek Reservoir	A
Sacramento River	Mainstem	F

(5) Calaveras

Water	Description	Class

Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County west of Highway 49, unless otherwise noted below	C
Calaveras River, North Fork	Mainstem and all tributaries, except Jesus Maria Creek	D
Calaveras River, South Fork	Mainstem and all tributaries	D
Forest Creek	Mainstem and all tributaries	E
Jesus Maria Creek	Mainstem and all tributaries	E
Mokelumne River	Mainstem from Pardee Dam upstream to Highway 49	D
Mokelumne River, Middle Fork	Mainstem and all tributaries, except Forest Creek	D
Mokelumne River, North Fork	Mainstem and all tributaries from Tiger Creek upstream to Salt Springs Reservoir	E
Mokelumne River, North Fork	Mainstem and all tributaries upstream from Salt Springs Reservoir	A
Mokelumne River, South Fork	Mainstem and all tributaries	D
Stanislaus River, North Fork	Mainstem and all tributaries	D

(6) Colusa

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County west of I-5, unless otherwise noted below	D
Multiple Waters	All rivers and streams in the County east of I-5, unless otherwise noted below	F
Butte Creek	Mainstem	A

(7) Contra Costa

Water	**Description**	**Class**
Multiple Waters	All rivers and streams west of I-680, unless otherwise noted below	H
Multiple Waters	All rivers and streams east of I-680, unless otherwise noted below	F
Alhambra Creek	Mainstem and all tributaries	A
Garrity Creek	Mainstem and all tributaries	A
Mount Diablo Creek	Mainstem and all tributaries	A

Pacheco Creek	Mainstem and all tributaries	A
Pinole Creek	Mainstem and all tributaries	A
Refugio Creek	Mainstem and all tributaries	A
Rodeo Creek	Mainstem and all tributaries	A
San Pablo Creek	Mainstem and all tributaries	A
Walnut Creek	Mainstem and all tributaries	A
Wildcat Creek	Mainstem and all tributaries	A

(8) Del Norte

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	F
Blue Creek	Mainstem and all tributaries	A
Bummer Lake Creek	Mainstem	A
Clarks Creek	Mainstem	A
Copper Creek	Mainstem	A
Coon Creek	Mainstem	A
Craigs Creek	Mainstem	A
Dominie Creek	Mainstem	A
Eightmile Creek	Mainstem	A
Griffin Creek	Mainstem	A
Hurdygurdy Creek	Mainstem	A
Jaqua Creek	Mainstem	A
Jones Creek	Mainstem	A
Klamath River	Mainstem	F
Knopti Creek	Mainstem	A
Mill Creek	Mainstem and its tributaries	A
Monkey Creek	Mainstem	A
Morrison Creek	Mainstem	A
Myrtle Creek	Mainstem	A
Patrick Creek	Mainstem	A
Peacock Creek	Mainstem	A
Quartz Creek	Mainstem	A
Rock Creek	Mainstem	A
Rowdy Creek	Mainstem	A
Rowdy Creek, South Fork	Mainstem	A
Savoy Creek	Mainstem	A
Shelly Creek	Mainstem	A
Smith River, Middle Fork	Mainstem from Smith River upstream to Middle Fork Falls	A
Smith River, North Fork	Mainstem	A

Smith River, South Fork	Mainstem from Smith River upstream to Quartz Creek	A
Siskiyou Fork	Mainstem	A
Sultan Creek	Mainstem	A
Special Closures for Thermal Refugia in Klamath River Watershed A 200-foot radius* at the confluence of each of the following waters with the Klamath River is Class A:		
Water		
Hunter Creek		
McGarvey Creek		
Salt Creek		
*Pursuant to Fish and Game Code 5653(d) it is unlawful to possess a vacuum or suction dredge in areas, or in or within 100 yards of waters, that are closed to the use of vacuum or suction dredges. Therefore, the effective closure at thermal refugia locations is a 500-foot radius from the center-line of the confluence of the tributary stream with the mainstem river.		

(9) El Dorado

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
American River, Middle Fork	Mainstem and all tributaries from North Fork American River upstream to Oxbow Dam, unless otherwise noted	D
American River, North Fork	Mainstem and all tributaries from Folsom Lake upstream to confluence with the Middle Fork American River, unless otherwise noted	C
American River, South Fork	Mainstem and all tributaries from Folsom Lake upstream to Slab Creek Reservoir, unless otherwise noted	C
American River, South Fork	Mainstem and all tributaries from Slab Creek Reservoir upstream to Kyburz, unless otherwise noted	D
American River, South Fork	Mainstem and all tributaries upstream from Kyburz, unless otherwise noted	C
Camp Creek	Mainstem and all tributaries from North Fork Cosumnes River upstream to Dennis Canyon	D
Camp Creek	Mainstem and all tributaries upstream of Dennis Canyon	A
Cosumnes River, Middle Fork	Mainstem and all tributaries	D

Cosumnes River, North Fork	Mainstem and all tributaries except Camp Creek	D
Cosumnes River, South Fork	Mainstem and all tributaries	C
Glen Alpine Creek	Mainstem and all tributaries upstream of Fallen Leaf Lake	A
Ice House Reservoir tributaries	All waters draining to Ice House Reservoir	A
Indian Creek	Mainstem and all tributaries	D
Lake Tahoe tributaries	All waters draining to Lake Tahoe, unless otherwise noted	G
Middle Creek	Mainstem from Silver Fork American River	A
Pyramid Creek	Mainstem and all tributaries	A
Rock Creek	Mainstem and all tributaries	A
Rubicon River	Mainstem and all tributaries upstream of Oxbow Dam to Parsley Bar Crossing	D
Rubicon River	Mainstem and all tributaries upstream from the Desolation Wilderness Boundary	A
Taylor Creek	Mainstem from Lake Tahoe to Fallen Leaf Lake	A
Trout Creek	Mainstem and all tributaries upstream from Saxon Creek	A
Truckee River, Upper	Mainstem and all tributaries from Lake Tahoe upstream to El Dorado-Alpine County Line	A
Webber Creek	Mainstem and all tributaries	A

(10) Fresno

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County above 4,000 feet elevation	A
Multiple Waters	All rivers and streams east of I-5 between 1,000 to 4,000 feet, unless otherwise noted below	F
Multiple Waters	All rivers and streams east of I-5 less than 1,000 feet elevation, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County west of I-5	D
San Joaquin River	Mainstem upstream to Friant Dam	C

San Joaquin River	Mainstem between Redinger and Kerckhoff Reservoirs	A
Jose Creek	Mainstem up to 4,000 feet elevation	A

(11) Glenn

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County west of I-5, unless otherwise noted below	F
Multiple Waters	All rivers and streams in the County east of I-5, unless otherwise noted below	C
Butte Creek	Mainstem	A
Sacramento River	Mainstem	F

(12) Humboldt

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	F
Blue Creek	Mainstem and all tributaries	A
Boise Creek	Mainstem	A
Camp Creek	Mainstem	A
Beaver Creek	Mainstem	A
Eel River	Mainstem and all tributaries	A
Red Cap Creek	Mainstem and all tributaries	A
Special Closures for Thermal Refugia in Klamath River Watershed		
A 200-foot radius* at the confluence of each of the following waters with the Klamath River is Class A:		
Water	**Water (continued)**	
Aikens Creek	Pearch Creek	
Blue Creek	Pecwan Creek	
Bluff Creek	Pine Creek	
Boise Creek	Red Cap Creek	
Camp Creek	Roach Creek	
Cappell Creek	Roselano Creek	
Cheenitch Creek	Slate Creek	
Coon Creek	Trinity River	
Crawford Creek	Tully Creek	
Donahue Flat Creek	Ullathorne Creek	
Hopkins Creek	Whitmore Creek	

Ikes Creek	Wilson Creek
Miners Creek	
*Pursuant to Fish and Game Code 5653(d) it is unlawful to possess a vacuum or suction dredge in areas, or in or within 100 yards of waters, that are closed to the use of vacuum or suction dredges. Therefore, the effective closure at thermal refugia locations is a 500-foot radius from the center-line of the confluence of the tributary stream with the mainstem river.	

(13) Imperial

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All shoreline pools and irrigation drains within one mile of the Salton Sea	A
Colorado River	Mainstem	A
San Felipe Creek	Mainstem and all tributaries	A

(14) Inyo

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Amargosa River	Mainstem upstream of Death Valley Road (CA 127)	A
Antelope Spring Creek	Mainstem	A
Baker Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Big Pine Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Birch Creek (drains to Deep Springs Valley)	Mainstem and associated springs within Inyo National Forest Boundary	A
Birch Creek (Bishop Creek tributary)	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Bishop Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Bishop Creek Canal	All canal	E
Bishop Creek, North Fork (east of Bishop)	Mainstem from Owens River upstream to Highway 6	E
Cabin Creek	Mainstem	A

China Ranch Wash	Mainstem	A
Cottonwood Creek (drains to Owens Lake)	Mainstem and all tributaries upstream of Little Cottonwood Creek	A
Cottonwood Creek (east of Highway 168)	Mainstem	A
Diaz Creek	Mainstem and all tributaries upstream of John Muir Wilderness Boundary	A
Division Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Fish Slough	Mainstem, all tributaries, pools and springs	A
Goodale Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Haiwee Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Hogback Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Horton Creek	Mainstem from Owens River upstream to Highway 395	E
Horton Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Independence Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Leidy Creek	Mainstem	A
Lone Pine Creek	Mainstem and all tributaries upstream of Whitney Portal Campground	A
McGee Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
McNally Canal	1000 feet above and below Silver Canyon Road	E
Mule Springs	Upper and Lower Ponds, and spring channels	A
Oak Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Owens River	Mainstem above 3,500 feet elevation upstream to Inyo-Mono County Line	E
Pine Creek	Mainstem downstream of Inyo National Forest Boundary	E
Pine Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Rawson Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Red Mountain Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A

Rock Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Rock Creek, Lower	Mainstem and all tributaries between Owens River and Inyo-Mono County Line	E
Sawmill Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Shannon Canyon Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Summit Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Taboose Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Thibaut Creek	Mainstem and all tributaries upstream from Inyo National Forest Boundary	A
Tinemaha Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Tuttle Creek	Mainstem and all tributaries in John Muir Wilderness	A
Warm Springs	Upper Pond, Lower Pond, Outflow Ditch and North Ditch	A

(15) Kern

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County east of Hwy 99, north of Hwy 58, and west of Hwy 14, unless otherwise noted below	F
Multiple Waters	All rivers and streams in the County east of Hwy 99, north of Hwy 58, south of Hwy 178, and west of Hwy 14 above 4,000 feet elevation	A
Multiple Waters	All rivers and streams in the County east of Hwy 99 and north of Hwy 178 above 4,000 feet elevation	A
Kern River, South Fork (tributaries)	All tributaries to the South Fork Kern River upstream of Lake Isabella and north of Hwy 178	A

(16) Kings

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Garza Creek	Mainstem and all tributaries	D

Avenal Creek	Mainstem and all tributaries	D
Baby King Creek	Mainstem and all tributaries	D
Big Tar Creek	Mainstem and all tributaries	D

(17) Lake

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	D
Bucknell Creek	Mainstem	F
Butts Creek	Mainstem and all tributaries	F
Cache Creek	Mainstem and all tributaries	F
Clear Lake tributaries	All waters draining to Clear Lake	E
Eel River	Mainstem and all tributaries upstream from the Lake-Mendocino County Line to Lake Pillsbury	F

(18) Lassen

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Ash Creek	Mainstem	A
Beaver Creek	Mainstem and all tributaries	C
Cedar Creek	Mainstem and all tributaries	E
Cottonwood Creek	Mainstem	A
Hamilton Branch	Mainstem from Lassen-Plumas County Line upstream to Highway 147	D
Horse Creek	Mainstem and all tributaries from Pit River upstream to Little Valley	C
Pine Creek	Mainstem and all tributaries	A
Pit River	Mainstem and all tributaries from Horse Creek upstream to Lassen-Modoc County Line	C
Pit River, South Fork	Mainstem and all tributaries	E
Secret Creek	Mainstem and all tributaries	D
Smoke Creek	Mainstem	D
Willow Creek	Mainstem and all tributaries	E

(19) Los Angeles

Water	**Description**	**Class**

Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the Los Angeles River watershed, unless otherwise noted below	E
Multiple Waters	All rivers and streams in San Gabriel Mountains south of SR-2, unless otherwise noted below	E
Multiple Waters	All rivers and streams in the San Gabriel River watershed, unless otherwise noted below	E
Alder Creek	Mainstem from Big Tujunga Creek upstream to Mule Fork	A
Aliso Canyon	Mainstem within Angeles National Forest	A
Arrastre Canyon	Mainstem	A
Arroyo Sequit	Mainstem and all tributaries	A
Bear Canyon Creek	Mainstem and all tributaries	A
Bear Gulch	Mainstem	A
Big Mermaids Creek	Mainstem	A
Big Rock Creek, South Fork	Mainstem and all tributaries upstream of Big Rock Creek	A
Big Tujunga Creek	Mainstem and all tributaries from Hansen Flood Control Basin upstream to Big Tujunga Reservoir	E
Big Tujunga Creek	Mainstem from Big Tujunga Reservoir upstream to Alder Creek	A
Boquet Creek	Mainstem from Santa Clara River upstream to Boquet Reservoir	A
Castaic Creek	Mainstem from Santa Clara River upstream to I-5 crossing	A
Castaic Creek	Mainstem from Castaic Lake upstream to Bear Canyon	A
Cattle Canyon Creek	Mainstem	A
Cow Canyon Creek	Mainstem	A
Devil's Canyon	Mainstem	A
Fish Creek	Mainstem from Castaic Creek upstream to Cienega Spring	A
Fish Canyon Creek	Mainstem	A
Little Rock Creek	Mainstem and all tributaries, from Little Rock Reservoir	A
Malibu Creek	Mainstem and all tributaries, unless otherwise noted	E
Malibu Creek	Mainstem from Pacific Ocean upstream to Rindge Dam	A

Mill Creek	Mainstem from Big Tujunga Creek upstream to Monte Cristo Creek	A
Pacoima Canyon Creek	Mainstem upstream from Pacoima Reservoir	E
Piru Creek	Mainstem from Pyramid Reservoir upstream to Lockwood Creek	A
Piru Creek	Mainstem from Lake Piru upstream to Fish Creek	A
San Dimas Canyon Creek	Mainstem upstream to the San Dimas Reservoir dam	E
San Francisquito Canyon	Mainstem	A
San Gabriel River, East Fork	Mainstem and all tributaries from San Gabriel Reservoir upstream to Cattle Canyon Creek	E
San Gabriel River, East Fork	Mainstem and all tributaries upstream of Cattle Canyon Creek	A
San Gabriel River, West Fork	Mainstem upstream from San Gabriel Reservoir	A
Santa Clara River	Mainstem upstream of Los Angeles-Ventura County line	A
Topanga Creek	Mainstem from Pacific Ocean to Topanga Canyon Blvd crossing near Cuesta Cala Road	A
Vincent Gulch	Mainstem and tributaries	A

(20) Madera

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County above 4,000 feet elevation	A
Multiple Waters	All rivers and streams in the County from 1,000 to 4,000 feet elevation, unless otherwise noted below	F
Multiple Waters	All rivers and streams in the County below 1,000 feet elevation, unless otherwise noted below	H
San Joaquin River	Mainstem	C
San Joaquin River	Mainstem between Redinger and Kerckhoff Reservoirs	A

(21) Marin

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	D
Corte Madera Creek	Mainstem and all tributaries	A
Coyote Creek	All mainstem from San Pablo Bay upstream to Flamingo Road crossing	A
Creamery Bay Creek	Mainstem	A
Easkoot Creek	Mainstem	A
East Schooner Creek	Mainstem	A
Estero Americano	Mainstem and all tributaries	A
Estero San Antonio	Mainstem	A
Home Ranch Creek	Mainstem	A
Laguna Creek	Mainstem	A
Lagunitas Creek	Mainstem and all tributaries	A
McKinnon Gulch	Mainstem	A
Miller Creek	Mainstem	A
Millerton Gulch	Mainstem and all tributaries	A
Morse Gulch	Mainstem	A
Muddy Hollow Creek	Mainstem	A
Novato Creek	Mainstem and all tributaries	A
Petaluma River	Mainstem and all tributaries	A
Pine Gulch Creek	Mainstem and all tributaries	A
Redwood Creek	Mainstem and all tributaries	A
San Clemente Creek	Mainstem	D
San Rafael Creek	Mainstem	D
Stemple Creek	Mainstem and all tributaries	A
Stinson Gulch	Mainstem	A
Walker Creek	Mainstem and all tributaries	A
Wilkins	Mainstem	A

(22) Mariposa

Water	Description	Class
Multiple Waters	All rivers and streams in the County above 5,000 feet elevation	A
Multiple Waters	All rivers and streams in the County from 2,000 to 5,000 feet elevation	D
Multiple Waters	All rivers and streams in the County below 2,000 feet elevation	F

(23) Mendocino

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	F
Albion River	Mainstem and all tributaries	A
Big River	Mainstem and all tributaries	A
Big Salmon Creek	Mainstem and all tributaries	A
Caspar Creek	Mainstem and all tributaries	A
Cottaneva Creek	Mainstem and all tributaries	A
Dehaven Creek	Mainstem and all tributaries	A
Doyle Creek	Mainstem from Pacific Ocean	A
Elk Creek	Mainstem and all tributaries	A
Eel River	Mainstem and all tributaries	A
Garcia River	Mainstem and all tributaries	A
Gualala River	Mainstem and all tributaries	A
Hardy Creek	Mainstem and all tributaries	A
Hare Creek	Mainstem and all tributaries	A
Howard Creek	Mainstem and all tributaries	A
Juan Creek	Mainstem and all tributaries	A
Little River	Mainstem and all tributaries	A
Little Salmon Creek	Mainstem and all tributaries	A
Navarro River	Mainstem and all tributaries	A
Noyo River	Mainstem and all tributaries	A
Pudding Creek	Mainstem and all tributaries	A
Russian Gulch	Mainstem and all tributaries	A
Russian River	Mainstem and all tributaries, excluding East Fork Russian River above Coyote Dam	A
Ten Mile River	Mainstem and all tributaries from Pacific Ocean	A
Usal Creek	Mainstem and all tributaries from Pacific Ocean	A
Wages Creek	Mainstem and all tributaries from Pacific Ocean	A

(24) Merced

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County west of I-5, unless otherwise noted below	D

Multiple Waters	All rivers and streams in the County east of Highway 99, unless otherwise noted below	C
Merced River	Mainstem	C
San Joaquin River	Mainstem and all tributaries	C

(25) Modoc

Stream	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Ash Creek	Mainstem and all tributaries	A
Boles Creek	Mainstem	A
Willow Creek	Mainstem	A
Lost River	Mainstem from Clear Lake Reservoir upstream to California-Oregon State Line	A
Lost River tributaries	All tributaries	D
Pit River	Mainstem and all tributaries, unless otherwise noted	F
Turner Creek	Mainstem and all tributaries	A
Willow Creek	Mainstem from Goose Lake	A
Lassen Creek	Mainstem from Goose Lake	A
Davis Creek	Mainstem from Goose Lake	A
Pine Creek	Mainstem from Goose Lake	A
Cottonwood Creek	Mainstem from Goose Lake	A

(26) Mono

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Unnamed Creeks	Mainstem of unnamed creeks between Dechambeau Creek and Beartrack Creek	A
Unnamed Creeks (Owens River/Lake Crowley drainage)	Mainstem and tributaries of all unnamed creeks within Inyo National Forest, from Willfred Creek west to Deadman Creek	A
Unnamed Creeks (Owens River/Lake Crowley drainage)	Mainstem and tributaries of all unnamed Creeks within Inyo National Forest, from Dry Creek south to Little Hot Creek	A
Unnamed Creek (drains to Mono Lake)	Mainstem and all tributaries of unnamed creek west of Dry Creek	A

Unnamed Creeks	Mainstem and all tributaries, unnamed Creeks east of Lower Rock Creek, from Witcher Creek south to Mono-Inyo County Line	A
Adobe Creek	Mainstem and all tributaries upstream from Inyo National Forest Boundary	A
Birch Creek	Mainstem and all tributaries	A
Buckeye Creek	Mainstem and all tributaries upstream of Buckeye Hot Spring	A
Buckeye Creek	Mainstem and all tributaries downstream of Buckeye Hot Spring	G
ByDay Creek	Mainstem	A
Convict Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Cowcamp Creek	Mainstem and all tributaries	A
Crooked Creek	Mainstem and all tributaries upstream of Lake Crowley	A
Dechambeau Creek	Mainstem and all tributaries upstream of Highway 395	A
Desert Creek (drains to Fourmile Hill Creek - Nevada)	Mainstem and all tributaries	G
Dexter Creek	Mainstem and all tributaries south of Highway 120	A
Driveway Creek	Mainstem and all tributaries upstream of Highway 395	A
Dry Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Dunderberg Creek	Mainstem and all tributaries	A
East Walker River	Mainstem and all tributaries, unless otherwise noted	G
Fish Slough	Mainstem, all tributaries, pools and springs	A
Green Creek	Mainstem and all tributaries above Dynamo Pond	A
Grouse Creek	Mainstem and all tributaries above Highway 395	A
Hilton Creek	Mainstem and all tributaries upstream from Inyo National Forest Boundary	A
Hot Creek (Little Walker River tributary north of Bridgeport)	Mainstem and all tributaries above Little Walker River	G
Hot Creek (Owens River tributary)	Mainstem and all tributaries downstream of Forest Service Road 3S07	E

Hot Creek (Owens River tributary)	Mainstem and all tributaries upstream of downstream of Forest Service Road 3S07	A
Junction Creek	Mainstem and all tributaries	A
Labrosse Creek	Mainstem and all tributaries	A
Laurel Creek	Mainstem and all tributaries	A
Leidy Creek	Mainstem and all tributaries	A
Lee Vining Creek	Mainstem and all tributaries upstream of Highway 395	A
Little Hot Creek	Mainstem from Owens River upstream to Inyo National Forest Boundary	E
Little Hot Creek	Mainstem and all tributaries upstream to Inyo National Forest Boundary	A
Little Walker River	Mainstem and all tributaries upstream of Willow Flat	A
Mammoth Creek	Mainstem and all tributaries upstream of Hot Creek	A
McGee Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
McLaughlin Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Mill Creek (drains to West Walker River)	Mainstem and all tributaries	A
Mill Creek (drains to Mono Lake)	Mainstem and all tributaries upstream of Highway 395	A
Molybdnite Creek	Mainstem and all tributaries upstream of Dry Creek	A
Murphy Creek	Mainstem	A
North Canyon Creek	Mainstem and all tributaries	A
O'Harrel Canyon Creek	Mainstem and all tributaries	A
Owens River	Mainstem from Inyo-Mono County Line to Dry Creek confluence	E
Owens River	Mainstem and all tributaries upstream of Dry Creek	A
Poison Creek	Mainstem and all tributaries	A
River Spring Lakes	All ponds in Sections 19, 24 and 30, T01N, R31E	A
Robinson Creek	Mainstem and all tributaries upstream of Twin Lakes	A
Robinson Creek	Mainstem and all tributaries downstream of Twin Lakes	G
Rock Creek	Mainstem and all tributaries upstream of Highway 395	A

Rush Creek	Mainstem and all tributaries upstream of Highway 395	A
Sawmill Creek	Mainstem and all tributaries within Inyo National Forest	A
Silver Creek	Mainstem	A
Slinkard Creek	Mainstem and all tributaries	A
Virginia Creek	Mainstem and all tributaries above Toiyabe National Forest Boundary	A
Walker Creek	Mainstem and all tributaries upstream of Highway 395	A
West Walker River and tributaries	All Mainstem and all tributaries, unless otherwise noted	G
West Walker River tributaries	All tributaries above 7,000 feet, unless otherwise noted	A
Wilfred Creek	Mainstem and all tributaries upstream of Inyo National Forest Boundary	A
Wolf Creek	Mainstem	A

(27) Monterey

Water	**Description**	**Class**
Multiple Waters	All rivers and streams west of Hwy 101	A
Multiple waters	All rivers and streams east of Hwy 101, unless otherwise noted below	D
Salinas River	Mainstem and all tributaries on the west side of the Salinas River	A

(28) Napa

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	D
Napa River	Mainstem and all tributaries	A

(29) Nevada

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Bear River	Mainstem and all tributaries from Camp Far West upstream to Lake Combie	C
Deer Creek	Mainstem and all tributaries from Nevada-Yuba County Line upstream to Lake Wildwood	A

Dry Creek	Mainstem and all tributaries	C
East Fork Creek	Mainstem and all tributaries	A
Faucherie Lake tributaries	All waters draining to Faucherie Lake	A
Fordyce Lake tributaries	All waters draining to Fordyce Lake	A
Independence Lake tributaries	All waters draining to Independence Lake	A
Macklin Creek	Mainstem and all tributaries	A
Rattlesnake Creek	Mainstem and all tributaries	A
Truckee River	Mainstem	G
Truckee River tributaries	All tributaries, unless otherwise noted	G
Yuba River	Mainstem downstream of Englebright Reservoir	A
Yuba River	Mainstem and all tributaries from Englebright Reservoir upstream to the North Fork Yuba River and Middle Fork Yuba River confluence	C
Yuba River, Middle	Mainstem and all tributaries from Nevada-Yuba County Line upstream to Milton Reservoir, unless otherwise noted	D
Yuba River, South Fork	Mainstem and all tributaries from Yuba River upstream to Lake Spaulding	D

(30) Orange

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	E
Cristianitos Creek	Mainstem and all tributaries upstream of San Diego County line	A
San Juan Creek	Mainstem and all tributaries	A
Santiago Creek	Mainstem and all tributaries upstream of Irvine Lake	A
Talega Creek	Mainstem	A

(31) Placer

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All streams in County further west than the intersection of I-80 and Placer Hills Road, unless otherwise	C

	noted below	
American River, Middle Fork	Mainstem and all tributaries from North Fork American River upstream to Anderson Dam	F
American River, North Fork	Mainstem and all tributaries from Folsom Lake upstream to Lake Clementine Dam	C
American River, North Fork	Mainstem and all tributaries from Lake Clementine Dam to Big Valley Canyon	D
Lake Tahoe tributaries	All waters draining to Lake Tahoe	G
Pole Creek	Mainstem and all tributaries	A
Rubicon River	Mainstem and all tributaries upstream of Oxbow Dam to Parsley Bar crossing	D
Truckee River	Mainstem and all tributaries	G

(32) Plumas

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted	H
Antelope Lake tributaries	All waters draining to Antelope Lake	A
Big Ravine	Mainstem and all tributaries	A
Boulder Creek (Little North Fork of Middle Fork Feather River tributary)	Mainstem and all tributaries	A
Cooks Creek	Mainstem and all tributaries	A
Dark Ravine	Mainstem and all tributaries	A
Fall River	Mainstem and all tributaries	A
Feather River, Middle Fork	Mainstem and all tributaries, unless otherwise noted	D
Feather River, North Fork	Mainstem and all tributaries from Plumas-Butte County Line to East Branch of North Fork Feather River, unless otherwise noted	D
Feather River, South Fork	Mainstem and all tributaries, unless otherwise noted	D
Frazier Creek	Mainstem and all tributaries	A
Gray Eagle Creek	Mainstem and all tributaries	A
Grizzly Creek	Mainstem and all tributaries	A
Last Chance Creek	Mainstem and all tributaries	A

Lights Creek, West Branch	Mainstem and all tributaries	A
Mill Creek	Mainstem and all tributaries upstream from the Bucks Lake Wilderness Boundary	A
Rock Creek, South Fork	Mainstem and all tributaries	A
Rowland Creek	Mainstem and all tributaries	A
Silver Creek	Mainstem and all tributaries	A
Slate Creek	Mainstem and all tributaries from the Yuba-Plumas County line upstream to Rabbit Creek	D
Slate Creek	Mainstem and all tributaries upstream from Rabbit Creek (including Rabbit Creek)	A
Sulphur Creek	Mainstem and all tributaries	A
Warner Creek	Mainstem and all tributaries	A
Wolf Creek	Mainstem and all tributaries	A

(33) Riverside

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the Aliso-San Onofre watershed, unless otherwise noted below	E
Multiple Waters	All rivers and streams in the Santa Ana River watershed, unless otherwise noted	E
Multiple Waters	All rivers and streams in the Santa Margarita River watershed, unless otherwise noted	E
Multiple Waters	All shoreline pools and irrigation drains within one mile of the Salton Sea	A
Andreas Creek	Mainstem above 4,000 feet elevation	A
Arroyo Seco Creek	Mainstem upstream of Vail Lake	A
Bautista Creek	Mainstem, upstream from Fairview Ave crossing	A
Colorado River	Mainstem	A
Indian Creek	Mainstem upstream of Lake Fulmor	A
Rialto Drain	Mainstem	E
Salt Creek	Mainstem and all tributaries	A
San Jacinto River	Mainstem from Sand Canyon upstream to Soboba Indian Reservation boundary	A

San Jacinto River, North Fork	Mainstem and all tributaries above 4,000 feet elevation	A
San Juan Creek	Mainstem and all tributaries	A
San Mateo Creek	Mainstem and all tributaries	A
Santa Ana River	Mainstem upstream of N Lakeview Ave. crossing	E
Santa Ana River	Mainstem upstream of Prado Flood Control Basin	E
Tahquitz Creek	Mainstem upstream from Willow Creek	A
Temecula Creek	Mainstem upstream from Vail Lake	A
Whitewater River	Mainstem upstream from Colorado River Aqueduct	A
Willow Creek	Mainstem	A
Wilson Creek	Mainstem from Vail Lake upstream to Cahuilla Creek	A

(34) Sacramento

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	C
Sacramento River	Mainstem	F
American River	Mainstem from Sacramento River upstream to Nimbus Dam	A

(35) San Benito

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	D
Pacheco Creek	Mainstem and all tributaries	A
Pajaro River	Mainstem	A

(36) San Bernardino

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the Santa Ana River watershed, unless otherwise noted below	E
Amargosa River	Mainstem from SR-127 crossing upstream to Old Spanish Trail crossing in Tecopa (Inyo Co)	A

Amargosa River	Mainstem from San Bernadino-Inyo County line upstream to Saratoga Springs	A
Barton Creek, East Fork	Mainstem	A
Cajon Wash	Mainstem and all tributaries	A
City Creek	Mainstem and all tributaries upstream from Highland Ave crossing	A
Colorado River	Mainstem	A
Day Canyon	Mainstem and all tributaries	A
Deep Creek	Mainstem from West Fork Mojave upstream to Holcomb Creek	A
Grass Valley Creek	Mainstem	A
Horsethief Creek	Mainstem	A
Juniper Springs	All	A
Kinley Creek	Mainstem	A
Little Horsethief Creek	Mainstem	A
Lytle Creek	Mainstem upstream to Miller Narrows	A
Mojave River	Mainstem from Rock Springs Road crossing to Mojave River Forks Dam	A
Mojave River, West Fork	Mainstem and all tributaries, upstream from Silverwood Lake	A
Mojave River, West Fork	Mainstem from Mojave River Forks Dam to SR-173 crossing	A
Shay Creek and Vicinity	Mainstem upstream from Baldwin Lake. Vicinity includes Shay Pond, Sugarloaf Pond, Wiebe Pond, Motorcycle Pond, and Baldwin Lake	A

(37) San Diego

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All coastal drainages and their tributaries from San Mateo Creek south to the Santa Margarita River	E
Agua Caliente Creek	Mainstem	A
Arroyo Seco Creek	Mainstem	A
Boden Canyon	Mainstem	A
Borrego Palm Canyon	Mainstem	A

Campo Creek	Mainstem upstream of Campo Lake	A
Canebrake Wash	Mainstem	A
Christianitos Creek	Mainstem from Gabino Creek to Camp Pendleton Boundary	A
Cottonwood Creek	Mainstem from Morena Reservoir upstream to I-8 crossing at Buckman Springs	A
Cottonwood Creek	Mainstem from U.S.-Mexico border upstream to Barret Lake	A
De Luz Creek	Mainstem from Camp De Luz Road crossing upstream to Camp Pendleton Boundary	A
Gabino Creek	Mainstem and all tributaries	A
Guejito Creek	Mainstem	A
Horsethief Canyon	Mainstem	A
Keys Creek	Mainstem	A
Kitchen Creek	Mainstem	A
La Posta Creek	Mainstem upstream of Morena Reservoir	A
Morena Creek	Mainstem and all tributaries	A
Palla Creek	Mainstem	A
Peterson Canyon	Mainstem and all tributaries	A
Pine Valley Creek	Mainstem and all tributaries upstream of Barret Reservoir	A
San Diego River	Mainstem from SR-67 crossing upstream to El Capitan Lake	A
San Diego River	Mainstem from El Capitan Lake to Temescal Creek (includes Cedar Creek)	A
San Dieguito River	Mainstem and all tributaries upstream of I-15 crossing	A
San Felipe Creek	Mainstem from downstream end of Sentenac Canyon upstream to SR-78 crossing	A
San Luis Rey River	Mainstem and all tributaries	A
San Vicente Creek	Mainstem from San Vicente Reservoir upstream to Vista Vicente Road crossing	A
Santa Margarita River	Mainstem upstream of De Luz Road crossing	A
Santa Ysabel Creek	Mainstem from Santa Maria Creek upstream to Temescal Creek	A
Santa Ysabel Creek	Mainstem upstream from Lake Sutherland	A
Sweetwater River	Mainstem from Sycuan Resort upstream to Loveland Reservoir	A

Sweetwater River	Mainstem upstream from Loveland Reservoir	A
Talega Creek	Mainstem	A
Taylor Creek	Mainstem and all tributaries	A
Temecula Creek	Mainstem	A
Temescal Creek	Mainstem	A
Tijuana River	Mainstem	A
Viejas Creek	Mainstem from Sweetwater River upstream to Viejas Indian Reservation	A

(38) San Francisco

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H

(39) San Joaquin

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	C
Multiple Waters	All waters south of I-580	D
San Joaquin River	Mainstem	F
Mokelumne River	Mainstem from Burella Road upstream to Camache Dam	A

(40) San Luis Obispo

Water	**Description**	**Class**
Multiple Waters	All rivers and streams west of Hwy 101	A
Multiple Waters	All rivers and streams east of Hwy 101 and south of Highway 41, unless otherwise noted below	D
Multiple Waters	All rivers and streams east of Hwy 101 and north of Highway 41, unless otherwise noted below	H
Arroyo Grande Creek	Mainstem and all tributaries	A
Pismo Creek	Mainstem and all tributaries	A
Salinas River	Mainstem and all tributaries upstream of confluence with the Estrella River (not including Estrella River)	A
San Luis Obispo Creek	Mainstem and all tributaries	A
Santa Maria River	Mainstem	A

(41) San Mateo

Water	Description	Class
Multiple Waters	All rivers and streams west of I-280, unless otherwise noted below	D
Multiple Waters	All rivers and streams east of I-280, unless otherwise noted below	H
Multiple Waters	All rivers and streams east of I-280 above 200 feet elevation, unless otherwise noted below	D
Ano Nuevo Creek	Mainstem and all tributaries	A
Arroyo Canada Verde	Mainstem and all tributaries	A
Arroyo De En Medio	Mainstem and all tributaries	A
Arroyo De Los Frijoles	Mainstem and all tributaries	A
Arroyo Ojo	Mainstem and all tributaries	A
Belmont Creek	Mainstem and all tributaries	A
Calera Creek	Mainstem and all tributaries	A
Cascade Creek	Mainstem and all tributaries	A
Colma Creek	Mainstem and all tributaries	A
Cordilleras Creek	Mainstem and all tributaries	A
Easton Creek	Mainstem and all tributaries	A
Frenchman's Creek	Mainstem and all tributaries	A
Gazos Creek	Mainstem and all tributaries	A
Green Oaks Creek	Mainstem and all tributaries	A
Laurel Creek	Mainstem and all tributaries	A
Lobitos Creek	Mainstem and all tributaries	A
Martini Creek	Mainstem and all tributaries	A
Milagra Creek	Mainstem and all tributaries	A
Mills Creek	Mainstem and all tributaries	A
Montara Beach	Mainstem and all tributaries	A
Pescadero Creek	Mainstem and all tributaries	A
Pilarcitos Creek	Mainstem and all tributaries	A
Point Montara	Mainstem and all tributaries	A
Pomponio Creek	Mainstem and all tributaries	A
Purisima Creek	Mainstem and all tributaries	A
San Francisquito Creek	Mainstem and all tributaries	A
San Gregorio Creek	Mainstem and all tributaries	A
San Mateo Creek	Mainstem and all tributaries	A
San Pedro Creek	Mainstem and all tributaries	A

San Vicente Creek	Mainstem and all tributaries	A
Sanchez Creek	Mainstem and all tributaries	A
Tunitas Creek	Mainstem and all tributaries	A
Whitehouse Creek	Mainstem and all tributaries	A
Yankee Jim Gulch	Mainstem and all tributaries	A

(42) Santa Barbara

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Multiple Waters	All coastal drainages from Jalama Creek in the north to Rincon Lagoon in the south, unless otherwise noted below	A
Abel Canyon	Mainstem and all tributaries	A
Alisal Creek	Mainstem and all tributaries	A
El Jaro Creek	Mainstem and all tributaries	A
Foresters Leap	Mainstem and all tributaries	A
Hilton Creek	Mainstem and all tributaries	A
Indian Creek	Mainstem	A
Judell Creek	Mainstem and all tributaries	A
Mono Creek	Mainstem and all tributaries	A
Quiota Creek	Mainstem and all tributaries	A
San Antonio Creek	Mainstem, from mouth up to and including Barka Slough	A
San Lucas Creek	Mainstem and all tributaries	A
Santa Maria River	Mainstem and all tributaries	A
Santa Ynez River	Mainstem, from the mouth to Lake Cachuma	A
Santa Ynez River	Mainstem upstream of Gibraltar Reservoir	A
Siquoc River	Mainstem and all tributaries	A

(43) Santa Clara

Water	**Description**	**Class**
Multiple Waters	All rivers and streams below 1,000 feet elevation, unless otherwise noted below	C
Multiple Waters	All rivers and streams above 1,000 feet elevation, unless otherwise noted below	D
Adobe Creek	Mainstem and all tributaries	A
Alamitos Creek	Mainstem and all tributaries	A

Arroyo Honda	Mainstem and all tributaries	A
Berryessa Creek	Mainstem and all tributaries	A
Calabazas Creek	Mainstem and all tributaries	A
Caleros Creek	Mainstem and all tributaries	A
Carnadero Creek	Mainstem and all tributaries	A
Coyote Creek	Mainstem	A
Guadalupe Creek	Mainstem and all tributaries	A
Guadalupe River	Mainstem	A
Llagas Creek	Mainstem and all tributaries	A
Los Gatos Creek	Mainstem and all tributaries	A
Silver Creek	Mainstem and all tributaries	A
Matadero Creek	Mainstem and all tributaries	A
Pacheco Creek	Mainstem and all tributaries	A
Permanente Creek	Mainstem and all tributaries	A
Pescadero Creek	Mainstem and all tributaries	A
San Francisquito Creek	Mainstem and all tributaries	A
Sargent Creek	Mainstem and all tributaries	A
Stevens Creek	Mainstem and all tributaries	A
Penetencia Creek	Mainstem and all tributaries	A
Uvas Creek	Mainstem and all tributaries	A

(44) Santa Cruz

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	D
Aptos Creek	Mainstem and all tributaries	A
Arana Gulch Creek	Mainstem and all tributaries	A
Baldwin Creek	Mainstem and all tributaries	A
Corralitos Creek	Mainstem and all tributaries	A
Coward Creek	Mainstem and all tributaries	A
Davenport Landing Creek	Mainstem and all tributaries	A
Green Valley Creek	Mainstem and all tributaries	A
Laguna Creek	Mainstem and all tributaries	A
Liddell Creek	Mainstem and all tributaries	A
Majors Creek	Mainstem upstream of SR-1 crossing	A
Mattos Creek	Mainstem and all tributaries	A
Molino Creek	Mainstem and all tributaries	A
Pajaro River	Mainstem	A
Pescadero Creek	Mainstem and all tributaries	A
Salsipuedes Creek	Mainstem and all tributaries	A
San Lorenzo River	Mainstem and all tributaries	A

San Vicente Creek	Mainstem and all tributaries	A
Scott Creek	Mainstem and all tributaries	A
Soquel Creek	Mainstem and all tributaries	A
Waddell Creek	Mainstem and all tributaries	A
Wilder Creek	Mainstem and all tributaries	A
Yellow Bank Creek	Mainstem and all tributaries	A

(45) Shasta

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County above 5,000 feet, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County below 5,000 feet, unless otherwise noted below	D
Battle Creek	Mainstem and tributaries, unless otherwise noted below	A
Battle Creek, North Fork	Mainstem and tributaries upstream to Lake McCumber	A
Beegum Creek	Mainstem and all tributaries	A
Clear Creek	Mainstem from Sacramento River upstream to Whiskeytown Dam	A
Cottonwood Creek	Mainstem	F
Fall River	Mainstem and all tributaries	A
Hat Creek	Mainstem and all tributaries	A
McCloud River	Mainstem and tributaries from Bundoora Springs upstream of Lake McCloud Dam to upper end of Colby Meadows	A
Old Cow Creek	Mainstem upstream to Old Cow Creek Meadows	A
Pit River	Mainstem from Shasta Lake upstream to Fall River Mills	C
Pit River	Mainstem from Fall River Mills to Shasta-Lassen County Line	A
Rock Creek	Mainstem	A
Sacramento River (mainstem)	Mainstem from Shasta-Tehama County Line upstream to Keswick Dam	A
Sacramento River (tributaries)	All tributaries to the Sacramento River from the Shasta-Tehama County Line to Keswick Dam, unless otherwise noted	C
Screwdriver Creek	Mainstem	A

Sucker Springs Creek	Mainstem	A

(46) Sierra

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Sulphur Creek	Mainstem and all tributaries	A
Slate Creek	Mainstem and all tributaries upstream from the Plumas, Sierra, and Yuba county lines to Rabbit Creek	D
Slate Creek	Mainstem and all tributaries upstream from Rabbit Creek	A
Frazier Creek	Mainstem and all tributaries	A
Yuba River, Middle	Mainstem and all tributaries from Sierra-Yuba County Line upstream to Milton Reservoir	D
Yuba River, North Fork	Mainstem and all tributaries from Sierra-Yuba County Line upstream to Ladies Canyon Creek	D
Independence Lake tributaries	All waters draining to Independence Lake	A
Truckee River	Mainstem and all tributaries	G
Long Valley Creek	Mainstem and all tributaries	E

(47) Siskiyou

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County above 4,000 feet, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County below 4,000 feet, unless otherwise noted below	F
Salmon River, South Fork	Mainstem from French Creek upstream to St. Claire Creek	A
Salmon River	Mainstem upstream to Freight Train Rapid at river mile 8(RM8)	A
Applegate River	Mainstem and all tributaries	C
Beaver Creek	Mainstem	A
Bogus Creek	Mainstem	A
Bybee Creek	Mainstem	A
Cade Creek	Mainstem	A
Camp Creek	Mainstem	A

Canyon Creek	Mainstem	A
China Creek	Mainstem	A
Clear Creek	Mainstem	A
Cottonwood Creek (tributary to Klamath River)	Mainstem	A
Dillon Creek	Mainstem	A
Dunn Creek	Mainstem	A
Elk Creek (tributary to Klamath River)	Mainstem	A
Fort Goff Creek	Mainstem	A
French Creek	Mainstem	A
Grider Creek	Mainstem	A
Horse Creek	Mainstem	A
Humbug Creek	Mainstem	A
Illinois River, East Fork	Mainstem	A
Independence Creek	Mainstem	A
Indian Creek (tributary to Klamath River)	Mainstem	A
Jenny Creek	Mainstem from Iron Gate Reservoir upstream to California-Oregon State Line	A
King Creek	Mainstem	A
Klamath River	Mainstem from Iron Gate Reservoir upstream to California-Oregon State Line	A
Little Grider Creek	Mainstem	A
Little Horse Creek	Mainstem	A
Portuguese Creek	Mainstem	A
Seiad Creek	Mainstem upstream to the confluence of the East and West Forks of Seiad Creek	A
Shackleford Creek	Mainstem	A
Shasta River	Mainstem and all tributaries upstream of County Road A12	A
Stanshaw Creek	Mainstem	A
Sugar Creek	Mainstem	A
Thompson Creek	Mainstem	A
Titus Creek	Mainstem	A
Ukonom Creek	Mainstem	A
Walker Creek	Mainstem	A

Wooley Creek	Mainstem and tributaries	A

Special Closures for Thermal Refugia in the Salmon River Watershed	
A 200-foot radius* at the confluence of each of the following waters with the Salmon River (or its tributaries) is designated Class A:	
Water Name	**Location in Salmon River Watershed**
Big Creek	Confluence with North Fork of Salmon River
Black Bear Creek	Confluence with South Fork Salmon River
Butler Creek	Confluence with mainstem of Salmon River
Crapo Creek	Confluence with mainstem of Salmon River
Eddy Gulch	Confluence with North Fork of Salmon River
Horn Creek	Confluence with mainstem of Salmon River
Indian Creek	Confluence with South Fork Salmon River
Jackass Gulch	Confluence with North Fork of Salmon River
Jessups Gulch	Confluence with North Fork of Salmon River
Jones Gulch	Confluence with North Fork of Salmon River
Little North Fork Salmon River	Confluence with North Fork of Salmon River
Knownothing Creek	Confluence with South Fork of Salmon River
Matthews Creek	Confluence with South Fork of Salmon River
McNeal Creek	Confluence with South Fork of Salmon River
Merrill Creek	Confluence with mainstem of Salmon River
Methodist Creek	Confluence with South Fork of Salmon River
Monte Creek	Confluence with mainstem of Salmon River
Morehouse Creek	Confluence with mainstem of Salmon River
Nordheimer Creek	Confluence with mainstem of Salmon River
Plummer Creek	Confluence with South Fork of Salmon River
Sainte Claire Creek	Confluence with South Fork of Salmon River
Shiltos Creek	Confluence with North Fork of Salmon River
Somes Creek	Confluence with mainstem of Salmon River
Wooley Creek	Confluence with mainstem of Salmon River

Special Closures for Thermal Refugia in Klamath River Watershed	
A 200-foot radius* at the confluence of each of the following waters and the Klamath River is designated Class A:	
Water Name	**Water Name (continued)**
Aubrey Creek	Little Horse Creek
Barkhouse Creek	Little Humbug Creek
Beaver Creek	Lumgrey Creek
Bogus Creek	McKinney Creek

Cade Creek	Mill Creek
Canyon Creek	Natuket Creek
China Creek	Negro Creek
Clear Creek	O'Neil Creek
Coon Creek	Oak Flat Creek
Cottonwood Creek	Portuguese Creek
Crawford Creek	Reynolds Creek
Dillon Creek	Rock Creek
Doggett Creek	Rogers Creek
Dona Creek	Salmon River
Elk Creek	Sandy Bar Creek
Elliott Creek	Scott River
Empire Creek	Seiad Creek
Fort Goff Creek	Shasta River
Grider Creek	Stanshaw Creek
Halverson Creek	Swillup Creek
Horse Creek	Teneyck Creek
Humbug Creek	Thomas Creek
Independence Creek	Thompson Creek
Indian Creek	Ti Creek
Irving Creek	Titus Creek
King Creek	Tom Martin Creek
Kohl Creek	Ukonom Creek
Kuntz Creek	Walker Creek
Ladds Creek	Wilson Creek
Little Grider Creek	
*Pursuant to Fish and Game Code 5653(d) it is unlawful to possess a vacuum or suction dredge in areas, or in or within 100 yards of waters, that are closed to the use of vacuum or suction dredges. Therefore, the effective closure at thermal refugia locations is a 500-foot radius from the center-line of the confluence of the tributary stream with the mainstem river.	

(48) Solano

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County below 300 feet elevation, unless otherwise noted below	H
Multiple Waters	All rivers and streams in the County above 300 feet elevation, unless otherwise noted below	D
Cordelia Slough	Mainstem and all tributaries	A

Frank Horan Slough	Mainstem and all tributaries	A
Green Valley Creek	Mainstem and all tributaries	A
Napa River	Mainstem and all tributaries	A
Suisun Creek	Mainstem and all tributaries	A

(49) Sonoma

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	D
Estero Americano	Mainstem and all tributaries	A
Fort Ross Creek	Mainstem and all tributaries	A
Gualala River	Mainstem and all tributaries	A
Kolmer Gulch	Mainstem and all tributaries	A
Petaluma River	Mainstem and all tributaries	A
Russian River	Mainstem and all tributaries, excluding Dry Creek above Warm Springs Dam	A
Russian Gulch Creek	Mainstem and all tributaries	A
Salmon Creek	Mainstem and all tributaries	A
Schell Creek	Mainstem and all tributaries	A
Sonoma Creek	Mainstem and all tributaries	A
Tolay Creek	Mainstem and all tributaries	A

(50) Stanislaus

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County west of I-5	D
Multiple Waters	All rivers and streams in the County east of I-5, unless otherwise noted	H
San Joaquin River	Mainstem	C
Stanislaus River	Mainstem upstream to Tulloch Dam	C
Tuolumne River	Mainstem upstream to La Grange Dam	C

(51) Sutter

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	C
Butte Creek	Mainstem	A
Feather River	Mainstem	A
Sacramento River	Mainstem	F

(52) Tehama

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	F
Multiple Waters	All rivers and streams in the County east of State Hwy 32	A
Antelope Creek	Mainstem	A
Antelope Creek, South Fork	Mainstem upstream to South Fork Gun Club	A
Antelope Creek, North Fork	Mainstem upstream to Judd Creek	A
Beegum Creek	Mainstem and all tributaries	A
Butte Creek	Mainstem and all tributaries from Tehama-Butte County Line	A
Carter Creek	Mainstem from Deer Creek	A
Colby Creek	Mainstem from Tehama-Butte County Line	A
Deer Creek	Mainstem from Sacramento River to Deer Creek Falls	A
Mill Creek	Mainstem from Sacramento River to Lassen National Park Boundary	A
Sacramento River	Mainstem from Tehama-Butte County Line to Tehama-Shasta County Line	A
Willow Creek	Mainstem	A

(53) Trinity

Water	Description	Class
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	F
Big French Creek	Mainstem	A
Browns Creek	Mainstem	A
Canyon Creek	Mainstem from confluence with Trinity River, upstream to Rarick Gulch	A
Dutch Creek	Mainstem	A
Grass Valley Creek	Mainstem	A
Indian Creek	Mainstem to confluence with South Fork Indian Creek	A
Manzanita Creek	Mainstem	A
New River	Mainstem and all tributaries upstream from East Fork New River	A
New River, East Fork	Mainstem and all tributaries	A

Price Creek	Mainstem	A
Reading Creek	Mainstem	A
Rush Creek	Mainstem	A
Soldier Creek	Mainstem	A
Trinity River	Confluence with Klamath River to the South Fork Trinity River	A
Trinity River	Mainstem from South Fork Trinity River upstream to North Fork Trinity River	D
Trinity River	Mainstem from North Fork Trinity River upstream to Grass Valley Creek	C
Trinity River	Mainstem and all tributaries from confluence with Grass Valley Creek upstream to Lewiston Dam	A
Trinity River	Mainstem and all tributaries upstream of Lewiston Dam	D
Trinity River, East Fork of North Fork	Mainstem from North Fork Trinity River upstream to Enterprise Mine at Noonan Gulch	A
Trinity River, North Fork	Mainstem and all tributaries to the wilderness boundary at Hobo Gulch	A
Trinity River, South Fork	Mainstem and all tributaries	A
Weaver Creek	Mainstem and all tributaries	A

(54) Tulare

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County above 4,000 feet elevation	A
Multiple Waters	All rivers and streams in the County between 1,000 and 4,000 feet elevation	F
Multiple Waters	All rivers and streams in the County below 1,000 feet elevation	H

(55) Tuolumne

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County above 5,500 feet elevation	A
Multiple Waters	All rivers and streams in the County from 2,000 feet to 5,500 feet elevation, unless otherwise noted below	D

Multiple Waters	All rivers and streams in the County below 2,000 feet elevation, unless otherwise noted below	F
Delaney Creek (Tuolumne River tributary)	Mainstem	A
Six Bit Gulch	Mainstem and all tributaries	B
Rebecca Creek (tributary to Don Pedro Reservoir)	Mainstem	B
Minnow Creek (tributary to Don Pedro Reservoir)	Mainstem	B

(56) Ventura

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County, unless otherwise noted below	H
Agua Blanca Creek	Mainstem	A
Hopper Creek	Mainstem and all tributaries	A
Hopper Creek	Mainstem	A
Las Virgenes Creek	Mainstem	A
Magu Lagoon	Mainstem from Pacific Ocean to SR-1 crossing	A
Malibu Creek	Mainstem and all tributaries, unless otherwise noted	E
Piru Creek	Mainstem from Pyramid Reservoir to Lockwood Creek	A
Santa Clara River	Mainstem from Pacific Ocean to Piru Creek	A
Santa Paula Creek	Mainstem	A
Sespe Creek	Mainstem and all tributaries	A
Sisar Creek	Mainstem	A
Ventura River	Mainstem and all tributaries	A

(57) Yolo

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County east of I-5 or I-505 (whichever is further west), unless otherwise noted below	C

Multiple Waters	All rivers and streams in the County west of I-5 or I-505 (whichever is further west), unless otherwise noted below	F
Sacramento River	Mainstem	F

(58) Yuba

Water	**Description**	**Class**
Multiple Waters	All rivers and streams in the County west of Bullards Bar Reservoir, unless otherwise noted below	C
Dry Creek	Mainstem upstream to Merle Collins Reservoir	A
Sacramento River	Mainstem	F
Slate Creek	Mainstem and all tributaries from the North Fork Yuba River upstream to Yuba-Plumas County Line	D
Yuba River	Mainstem from Feather River to Englebright Reservoir	A
Yuba River, Middle	Mainstem from Yuba River upstream to Yuba-Sierra County Line	D
Yuba River, North Fork	Mainstem and all tributaries from New Bullards Bar Reservoir upstream to Yuba-Sierra County Line	D

3.2 Responses to Comments on the General Regulations (Sections 228[a] through 228.5[a])

For these responses, the Department has organized responses to the comments received based on the section of the regulations to which they pertain. For each section of the proposed regulations, a response is provided that considers the body of comments received on that section. Each response attempts to address the various comments as comprehensively as possible, in an effort to speak to the substantive issues raised.

The Department received a number of comments expressing concern that the DSEIR identified various significant and unavoidable environmental impacts associated with the Proposed Program. Various commenters also expressed concern about the Department's preliminary determination as reflected in the DSEIR that suction dredging authorized under the Proposed Program would not be deleterious to fish. Having reviewed all the public comments and other information received to date, the Department believes that at this point the revisions to the Proposed Program set forth in the proposed regulations above, and further discussed below, are potentially feasible and that those revisions will further lessen the significant and unavoidable impacts identified in the DSEIR. The Department also believes that at this point these revisions are necessary to and will, in fact, ensure that

suction dredging that may be authorized under the revised regulations, if adopted, will not be deleterious to fish under the Fish and Game Code.

Specific revisions to the proposed regulations that fall into this category include:

- a reduction in the total number of permits to be issued annually, from 4,000 to 1,500;
- further specifications regarding the requirement for a containment system to capture spills of fuels, oils, or other potentially hazardous substances;
- a reduction in the density of mussel beds that must be avoided, from 40 per square yard to 10 per square yard;
- decontamination to avoid spread of aquatic invasive species;
- a prohibition on multiple dredges operating within 500 feet of one another;
- a change in the allowable hours for suction dredging, from sunrise to sunset, to 10:00 a.m. to 4:00 p.m.;
- changes to various stream-specific regulations; and
- changes in reporting requirements.

All of these changes are anticipated to reduce the intensity of the significant and unavoidable impacts identified in the DSEIR, and would ensure or otherwise diminish the prospect of deleterious effects on fish.

Section 228(a): Definitions

Respondents asked whether sluices and panning are covered under these regulations or prohibited by the moratorium. These regulations apply only to suction dredging, as specified in Section 228(a)(1) of the adopted regulations. These regulations do not apply to gold mining using hand-held gold pans, sluice boxes, or highbanking or power sluicing where gravel is introduced into the highbanker or sluice box by some means other than a vacuum hose. Similarly, the current moratorium on suction dredging applies only to motorized suction dredging. Fish and Game Code Section 5653.1(d) states, "This section does not prohibit or restrict nonmotorized mining activities, including panning for gold."

Section 228(b): Permit Requirement

Several respondents expressed concern that the regulations will prevent them from assisting another miner in using their dredge. Section 228(b) requires that any person operating the intake nozzle must have a suction dredge permit or assistant suction dredge permit for persons assisting anyone with a qualifying disability. There is no permit requirement for persons assisting the suction dredge operator as long as they do not

operate the intake nozzle in any manner. Each permittee who operates the nozzle of the suction dredge is required to maintain and file a report card. Permits are not transferable.

Section 228(c)(1): Identification Requirements for a Suction Dredge Permit

Some respondents questioned or expressed disagreement with the necessity of providing identification when purchasing a suction dredge permit, or regarding the various forms of identification that may be used. Some respondents misunderstood the requirements and assumed that all of the forms of identification listed were required. In fact, any one of the documents listed is sufficient. These are the same identification requirements necessary to purchase a fishing license, hunting license and other permits in California. The Fish and Game Code Section 5653(a) provides that the Department may require information deemed necessary for an application. That includes a requirement to reliably identify the applicant.

Sections 228(c)(2): Identification of Up to Six Locations where Suction Dredging is Planned; Section 228(h): Report Card

Many respondents stated that identifying suction dredge locations in advance is not feasible because they do not know each location where they may operate until they determine on-site conditions and opportunities that may arise later. Respondents also expressed concern over the precision required for site identification and the burden of amending the permit whenever a new opportunity for dredging became available.

The Department has modified the proposed regulations after determining that the administrative workload required for implementing the requirement for both the public and the Department was unwarranted and unnecessary to avoid deleterious effects on *Fish*[1]. Further, the Department notes that the original legislation establishing the Department's authority over suction dredge mining required that the mining location be specified in the permit application. This requirement was deleted by amendments to the legislation in 1975.

The Department has replaced this requirement with a mandatory reporting requirement in Section 228(h) stating that the report is due at the end of each year. The Department will use this information as one means of monitoring intensity of use relative to available information on the distribution, abundance, and condition of fish species.

Section 228(e): On-site Inspection; Section 228(f): Permits Requiring Notification Pursuant to Fish and Game Code Section 1602

Many comments were received expressing concerns about the requirements that certain suction dredging activities be subject to on-site inspection and/or notification pursuant to Fish and Game Code Section 1602. While considering impacts of suction dredge mining and the development of regulations consistent with statutory requirements, including public recommendations during scoping, it became apparent that some types of suction dredge mining and related activities have the potential to substantially divert or obstruct the

[1] *Fish* refers to all wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof, per the definition promulgated in Fish and Game Code section 45.

natural flow, or substantially change or use material from the bed or channel of a river, stream, or lake. Further, there were numerous public scoping recommendations that some form of on-site evaluation or permitting be implemented.

A related concern expressed by miners was the amount of time required for the inspection to occur, the time and cost required for a Lake or Streambed Alteration Agreement (LSAA), and availability of Department staff to perform this work.

As in the DSEIR, the Department has determined that use of a suction dredge with an intake nozzle greater than 4 inches, use of a power winch, obstruction or diversion of stream flow, and dredging in a lake are all activities requiring notification pursuant to Section 1602 of the Fish and Game Code. This applies an appropriate additional statute in the Fish and Game Code to certain types of suction dredging and related activities.

The ability of the Department to provide sufficient staff resources for timely completion of on-site inspections and permitting will be addressed through a legislative proposal to modify suction dredge permit fees and by the fees required under Section 1600 et seq.

Section 228(g): Permit Cap

Many respondents questioned why a limit on the total number of permits to be issued is necessary or expressed concerns that environmental groups will purchase all or many suction dredge permits every year to eliminate or minimize suction dredge mining. There were questions regarding how this number was selected and recommendations that there be no limit on the number of suction dredge permits, or that the cap be set at the historical high number (~12,700).

In evaluating potential impacts of the Proposed Program, the Department determined that it would be necessary to consider the magnitude of the activity. Over the 15-year period prior to the moratorium enacted by SB 670, the average number of suction dredge permits sold was 3,650. The Draft Proposed Regulations circulated alongside the DSEIR identified 4,000 as the maximum annual number of permits that would be issued. The Department chose this number under the assumption that impacts from that number of permittees would be comparable to recent experience, and then developed regulations based on that assumption. If the Department had chosen a different number of permittees, such as using the historic high number of approximately 12,700, or an unlimited number of permits, the corresponding regulations would have to be more restrictive to prevent effects that are deleterious to fish.

After consideration of public comments, and policy provided in the CEQA to include feasible alternatives or mitigation measures which would substantially lessen significant impacts, the Department reduced the permit cap to 1,500.

The Department considered various options to provide preference in future permit sales to previous permit holders. However, given the existing uncertainty regarding when the Department may resume permit sales it is not feasible to establish a method that may not be implementable in the future.

Section 228(k)(1): Nozzle Size

Many respondents questioned why notification pursuant to Fish and Game Code Section 1602 would be needed for intake nozzles over 4 inches. The amount of material vacuumed from a stream bed varies, depending on several factors. These include the size of the streambed substrate (e.g., sand, gravel, cobble), size of the intake nozzle and vacuum hose, engine horsepower, skill of the operator and amount of time a dredge is operated. Information examined for the DSEIR indicates that the amount of material moved by a suction dredge increases gradually up to a 4-inch nozzle size. The amount of material that can be moved increases substantially with intake nozzle sizes larger than 4 inches. Suction dredge mining with nozzles greater than 4 inches was therefore determined to have the potential to substantially change the bed or channel of a stream. Section 1602 of the Fish and Game Code requires, under that circumstance, that person notify the Department. Depending on the site-specific circumstances, an LSAA may be required. Many respondents expressed opposition to this requirement specifically because they prefer dredges with intake nozzles larger than 4 inches in diameter for the very reason that larger dredges move considerably more material. Larger dredges are much more effective at removing overburden so a miner can reach gold-bearing sediments. Public comment, in effect, reinforced the necessity for notification for nozzle sizes larger than 4 inches in diameter and therefore the Department has retained this requirement.

Many respondents were opposed to this additional requirement, in part, because of the additional administrative procedures required for notification and the possibility that when an LSAA is required, additional conditions in the LSAA might further constrain their proposed operations. Some respondents were also concerned that there could be additional costs associated with this requirement. These are reasonable and accurate concerns because notification under Section 1602 does require a fee scaled to the economic value of the operation. Further costs associated with compliance with CEQA may also be required. While these costs would be new for suction dredge miners, they are routinely incurred for any other projects substantially affecting a river, stream, or lake.

Section 228(k)(3): Pump Intake Screening

Many miners commented that screening using 3/32-inch mesh is not technically feasible or even necessary. Reasons for these points of view include potential clogging of the screen by algae and other materials, the requirement for very large screens when using larger dredges, and an argument that the water pump intake is suspended in the water where the potential for entrainment of fish is unlikely. The Department considered these points and also the fact that the proposed regulations in Section 228.5 are intended, in part, to restrict dredging when early life stages are present. After reviewing life history and biological considerations for fish action species (as defined in Section 45 of the Fish and Game Code), the Department decided to retain this requirement even though it will require the development of improved screens for water pump intakes. *Fish* can be injured and killed by impellers on water pumps and similar screening is required for other activities where water is pumped from rivers and streams. The intake screens are only required on the water pump used to create the Venturi effect in the suction hose. Screens are not required on the actual suction hose intake nozzle that picks up material from the streambed.

Some comments also noted that impingement of fish in pump screens is possible. While this is true, as a practical matter several factors minimize this potential. First, the area of the screen will need to be large enough to allow for sufficient water intake, moderating the velocity of water near the screen. Second, the pump intake is typically not in a location on the dredge where fish are likely to congregate. Finally, seasonal closures have been implemented to protect sensitive life stages, such as larvae or juveniles that would be most susceptible to impingement. As such, the Department does not believe that the requirement for screening of pump intakes would result in deleterious effects on fish.

Section 228(l)(1): Power Winching

Miners commented that the use of power winches is necessary to move boulders, some of which are several feet in diameter or larger. Winching allows access to gold-bearing deposits that would otherwise be unavailable, and allows miners to move boulders so they do not present a safety risk. Miners argued that it is impossible to know, particularly when flows are high, which boulders they may want to move and that all of these boulders move naturally during high flow events.

Changing the physical position of large boulders in a stream, river, or lake is within the scope of Section 1602 of the Fish and Game Code, because such a repositioning could obstruct or divert the natural flow, or destabilize the stream bed. Therefore, the Department has required that persons intending to use power winches to facilitate suction dredge mining notify the Department. Based on site-specific circumstances, the Department will then determine if an LSAA is required.

The direction provided in Fish and Game Code Section 5653 et seq. does not provide for consideration of miner safety in development of the proposed regulations. Dredgers must use their own discretion to determine if an activity is safe; the Department does not encourage dredgers to engage in unsafe activities. When a miner determines that power winching is necessary to achieve their objectives, they may do so after complying with Section 1602 of the Fish and Game Code.

Section 228(l)(3): The Requirement that Dredging Not Be Allowed within 3 Feet of the Lateral Edge of the Current Water Level

Many miners commented that this restriction, in combination with seasonal restrictions that allow mining only during the late summer months, has the effect of preventing any mining because many streams are less than 6 feet in width. In addition, miners asserted that this provision, intended primarily to prevent undercutting or mining into stream banks is unnecessary in streams underlain by bedrock. In addition to protecting streambank stability, this measure provides additional protection for young fish that often use the shallow margins of streams. The Department's assessment of impacts included this benefit in the DSEIR assessment of whether impacts were likely to be significant.

Because the Department's conclusions regarding the significance of mining impacts on fish assumed that mining would be prohibited in the lateral 3 feet of a stream often used by young fish, the Department has retained this restriction. The regulatory language has been

modified to clarify that the restriction applies only to operation of the intake nozzle, rather than preventing any part of a dredge from being located with 3 feet of the lateral edge of the current water level. Further, for reasons unrelated to comments on this specific restriction, some streams were changed from Class E to Class D, thereby allowing dredging at a time when streams are likely to be wider, reducing the impact of this restriction on mining opportunity.

Section 228(l)(8): Import of Fill Material

Several respondents expressed concern that this subsection would prohibit gold panning or sluicing. Section 5650 of the Fish and Game Code states that it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of the state any substance deleterious to fish, among other resources. Mining debris, including material from a sluice box, can be deleterious to fish. With respect to gold mining, the Department interprets this statute as prohibiting the deposition of earthen material from outside the live stream into the current water level, or where it may pass into waters of the state. Material removed from the bed of the live stream and redeposited back into the live stream, by gold panning, sluicing, or suction dredging is not interpreted to be a violation of the statute. Furthermore, it should be noted that the proposed regulations in the DSEIR relate only to suction dredging.

Section 228(l)(10): Storage of Fuels

Many respondents stated that it is infeasible, owing to topography, other physical constraints, land ownership or other reasons, to store fuel more than 100 feet from the current water level. The Department agrees that these circumstances exist in some locations. In those cases, fuel may be stored nearer the current water level so long as a containment system is provided. This usually will be a leak-proof pan or container within which all fuel, oil, or chemicals are stored. The regulations have been amended to provide additional detail and clarity regarding a sufficient containment system.

Section 288(l)(13): Mussel Beds

Numerous comments were received on various aspects of this subsection, stating that it was not feasible to avoid mussels, the regulation would be difficult to enforce, the regulation was not sufficient to protect mussels, all streams where mussels are present should be closed, and that the characterization of a mussel bed as 40 or more per square yard was too high because some mussels are in the sediment and not observable. The Department agrees that it is difficult to avoid all mussels, that it is not essential that every individual mussel be protected, and that some species of mussel can pass through a dredge without damage. Mussel beds, generally, are the most important sites for mussel reproductive success and do need a level of protection greater than was provided in previous regulations. The density threshold for mussel beds has been reduced from 40 to 10 animals per square yard, to account for mussels that are present but not readily observable. See also MR-BIO-6. In practical terms, when operation of a dredge occurs in an area where several mussels are found in close proximity to one another, this is likely a mussel bed and must be avoided.

Section 228(l)(15): Leveling of Tailings

Many comments were received from miners opposing requirements of this subsection. It was included in the draft regulations and retained in the final regulations because of documented evidence that salmonids will use tailings for spawning even though these sites may be unstable and reduce spawning success. This measure requires only that miners level tailing piles, not that all dredge holes be filled. Annual winter flows, in most cases, will fill and restore dredge holes to their previous condition. The safety hazards posed by dredge holes were found to be less than significant, as described in the DSEIR under Impact HAZ-5. See also MR-BIO-2.

Section 228(l)(21): Dredge Density

Several commenters reported that suction dredges sometimes operate in close proximity to one another, particularly where mining clubs have established claims. Where this occurs, potential exists for greater cumulative discharge of total suspended sediment and increased turbidity. In addition to the number of dredges, relevant variables include dredge nozzle and engine sizes, the duration of dredging (i.e., hours/day and number of days), timing (i.e., whether dredges are operating concurrently or not), distance between operating dredges and size of the stream (i.e., cross-sectional area, depth, and flow).

The Department considered the establishment of a density regulation to reduce additive effects of multiple dredges on water quality and habitat, and has added regulatory language requiring that, while operating, suction dredges must be at least 500 feet apart.

Section 228(n): Compliance with Other Laws

Many respondents claimed that these regulations "open up" National and State Parks, Wild and Scenic Rivers, Wilderness areas, and other designated management areas to suction dredging. The Department only has authority to regulate suction dredging based on whether the effects will be deleterious to *Fish*. The Department does not have authority to reduce suction dredge opportunity because of land management statutes or regulations enacted for other purposes. However, where a landowner or land management entity has authority to close waters for suction dredging, and has already done so, these regulations do not supersede those restrictions. For example, where federal or state land managers have, using other authority, closed an area or specific waters to mining, the Department's regulations do not override that closure, regardless of what Class is assigned in these regulations.

Section 228(p): Hours of Operation

Some miners opposed any restriction on the period of operations. This requirement was modified but retained to give *Fish* a time of rest and opportunity to pass through the dredge areas to reduce impacts or potential impacts. Furthermore, a number of dredgers stated that they need good visibility to dredge effectively. Presumably, it would be difficult and unsafe to operate at night.

Section 228.5(a): Suction Dredge Use Classifications

This response is divided into three sections.

Comments Stating, "The Stream I Want to Dredge on Is Proposed to Be Closed due to Species X. I Have Been Dredging on this Stream for Many Years and Have Never Seen Species X."

Many comments asked why a particular use classification is assigned to a specific river or stream. The methodology is explained in section 2.2.3 of the DSEIR. Appendix L of the DSEIR corresponds to the draft regulations, and identifies for each river or stream where a use classification (other than Class H—open all year) is assigned, and the principal *Fish* Action species determining the use classification. DSEIR Appendix K provides life history information for each *Fish* action species. The life history information was an important consideration in determining the risk that suction dredging poses for the species. Additional relevant information informing the Department's assignment of use classifications for particular waters included intensity of suction dredging (from the Department's socioeconomic survey), information on species distribution, abundance, population trends, and official listing status. The Department also considered the locations of historic and current gold mining in California as indicators of potential future mining activity.

The Department received numerous comments stating, "I've been dredging in this stream for years and have never seen a frog." Many species, such as foothill yellow-legged frog (FYLF) and mountain yellow-legged frog (MYLF), are cryptic, making them difficult to detect. Furthermore, species may utilize the streams as habitat at times when dredging does not occur or was not authorized under the 1994 regulations. The Department acknowledges that a given species is not necessarily present in all streams that are covered by the regulations. The regulations were developed based on the best available data for the species distribution. Further refinement of the known distribution and spatial extent of suitable habitat for the various species (e.g., through field studies) was not feasible for development of the proposed regulations and related CEQA process.

Comments Stating, "I Can't Dredge in the Proposed Season; Flows Are Too High or Cold or There Would Be No Water Present."

The Department received numerous comments stating that the regulations would put dredgers at risk because stream flows are too high or too cold for dredgers to access during the open season. The proposed regulations were developed to prevent deleterious effects on action species and did not consider the most opportune times to access the streams for dredging. Dredgers must use their own discretion to determine whether streams are safe for dredging during the seasons (Classes) stipulated in the regulations; the Department does not encourage dredgers to engage in unsafe activities.

Recurring Comments Related to Particular Species

SONCC Coho Salmon

Many streams had closures applied to protect Southern Oregon/Northern California Coast (SONCC) coho salmon. The Department recognizes that a broad range of factors contribute to the decline of SONCC coho; however, suction dredging has the potential to result in adverse impacts on the species and their habitat.

Foothill Yellow-legged Frog (FYLF)

To develop regulations, FYLF observations or distributions were assembled from a variety of sources including Department and U.S. Forest Service (USFS) databases, as well as hydroelectric dam relicensing studies. From these sources and the mapped species range, regulations were applied to these streams. Studies conducted through Federal Energy Regulatory Commission (FERC) relicensing process (e.g., Placer County Water Agency 2008; Nevada Irrigation District and PG&E 2010; Garcia and Associates 2003) found that FYLF egg masses have typically hatched by the first week in June, although delayed breeding may occur (Garcia and Associates 2007). The Department considers delayed breeding seasons to be periodic anomalies, and has concluded that the Class D restriction for FYLF would prevent deleterious effects that may result from suction dredging.

3.3 Responses to Comments on the Stream-Specific Regulations

Responses to comments on the stream-specific regulations are provided below. Unless otherwise stated, where a use class designation was left unchanged despite a comment's request to change it, the rationale presented in the DSEIR for that particular use class designation continues to serve as the basis for the designation.

The calendar dates associated with the proposed use classes are provided in **Table 3-1** for reference. Tables 3-2 through 3-7, below, present the comments on stream-specific regulations organized by the Department Region in which the stream is located. For a map of Department regions, please refer to http://dfg.ca.gov/regions/.

Table 3-1. Use Classes and Associated Calendar Dates

Class	Open Dates
A	None
B	July 1 - August 31
C	June 1 through September 30
D	July 1 through January 31
E	September 1 through January 31
F	July 1 through September 30
G	September 1 through September 30
H	All - Year Round

Source: Data compiled by Horizon Water and Environment in 2011

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
Humboldt	Multiple Waters	050811_(b) (6) 050911_	Make lower Klamath, from Ishi Pishi Falls to the Pacific Ocean, and all tributaries with salmon habitat Class A.	The Department finds Class F is appropriate for the mainstem Klamath River to protect Action species. Select tributaries and thermal refugia that provide critical spawning, rearing, or summer habitat have been designated Class A.
	Red Cap Creek	050811_	Make key USFS watersheds, including Red Cap Creek, Class A.	The comment requested that Red Cap Creek be changed to Class A for protection of fish habitat. The Department confirms that Red Cap Creek is an important resource protection area for salmonid species, including Southern Oregon/Northern California Coasts (SONCC) coho. This stream has been changed to Class A.
Lassen	Multiple Waters	040611_	Gold Run Creek is too narrow for "3-foot rule."	The Department finds that the "3-foot rule" is necessary to protect species and their habitat. No changes to the regulations have been made.
	Susan River and tributaries	042911_	Close upper Susan River from January 1 through June 1 only. Lower Susan River should be Class H.	The Susan River was designated Class E in the proposed regulations to protect mountain sucker (Appendix L of DSEIR). The Department finds Class E restrictions for Susan River are not warranted, since Mountain Sucker is not likely present. For this reason, the Susan River has been changed to Class H. The Department has redesignated Secret and Smoke Creeks as Class D, to protect rainbow trout spawning, and Willow Creek Class E for Mountain Sucker.
Mendocino	Multiple Waters	050911_	Make Black Butte Class A because of its Wild and Scenic designation.	The commenter requests closing Black Butte for Wild and Scenic designation. Closing rivers based on their land use designation does not necessarily relate to "deleterious to fish," which is the basis on which the regulations were developed in keeping with the legal authority given to the Department. The Department finds that Class A is not warranted for Black Butte, as there is no potential for occurrence of *Fish* action species for which a year-round closure would be necessary or appropriate to avoid deleterious effects. No change has been made.
		051011_	Change Eel River to Class A.	The Department finds that Class A restrictions are warranted for the protection of SONCC coho. The Eel River has been redesignated as Class A.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
Shasta	Multiple Waters: all rivers and streams above 5,000 feet in elevation unless otherwise noted	051011_(b) (6)	Change Battle and Cottonwood Creeks to Class A.	The Department finds that Class A for Battle Creek is warranted. Class F is appropriate for Cottonwood Creek because it closes the stream when fall-run Chinook are migrating, spawning, and rearing in the creek. Class F also closes the Cottonwood Creek when spring-run Chinook and steelhead are in the stream. During the Class F suction dredge season, spring-run Chinook and steelhead are in the cooler headwaters (e.g., Beegum Creek) which are Class A. The Battle Creek watershed provides abundant cold water habitat that is utilized year-round by several runs of Chinook salmon and steelhead. Therefore, the Department finds that Class A is warranted for the portions of Battle Creek and its tributaries that are accessible to anadromous salmonids.
		051011_USFS	Cascades frog should be Action species for Screwdriver, Rock and Old Cow Creeks. These creeks should be Class A.	The Department finds that proposed regulations were not adequate for the protection of Cascades frog. Therefore, Old Cow, Rock and Screwdriver Creeks have been redesignated as Class A.
		032911(b) (6)	Section 16 is incorrect for McCloud River designation.	The Class A designation for the McCloud River has been changed to: mainstem and tributaries from Bundoora Springs upstream of Lake McCloud Dam to upper end of Colby Meadows.
	McCloud River	050911 051011	Make lower McCloud River Class A.	The portion of the McCloud River watershed that supports redband trout has been designated as Class A. The Department finds that Class A is not warranted for portions of the watershed that do not support redband trout.
Siskiyou	Multiple Waters	050811(b) (6) 50911_ 051011_KlamathRiverKeeper	Make Scott and Salmon Rivers and suitable tributaries Class A.	The Department finds that that Class A is appropriate for the mainstem Salmon River, from the Klamath River upstream to Freight Train Rapid at river mile 8 (RM8), and the mainstem of the South Fork of the Salmon River, from French Creek upstream to St. Claire Creek, for the protection of Klamath–Trinity (KT) spring-run Chinook.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
		051011_RogueRiver Keeper 050911_(b) (6)	Close Upper East Fork Illinois River.	Comment suggests designating the upper East Fork Illinois River as Class A. The Department confirms that the East Fork Illinois River is an important resource protection area for salmonid species, including SONCC coho. This stream has been redesignated as Class A.
		030411_	Requests justification for Salmon River closure.	The Department finds that Class A is appropriate for the mainstem Salmon River, from the Klamath River upstream to Freight Train Rapid at RM8, and the mainstem of the South Fork of the Salmon River, from French Creek upstream to St. Claire Creek, for the protection of KT spring-run Chinook.
		050811_ 050911_	Make lower Klamath, from Ishi Pishi Falls to the Pacific Ocean, and all tributaries with salmon habitat Class A.	The Department finds Class F is appropriate for the mainstem Klamath River. Select tributaries and thermal refugia that provide critical spawning, rearing, or summer habitat have been designated as Class A.
			Close Klamath River from Iron Gate Dam to Ishi Pishi Falls.	The Department finds Class F is appropriate for the mainstem Klamath River. Select tributaries and thermal refugia that provide critical spawning, rearing, or summer habitat have been designated as Class A.
			Add the following Klamath tributaries as Class A: Beaver, Cade, China, Dillon, Fort Goff, Little Grider, Little Horse, King, Portuguese, Stanshaw, Titus, Ukonom, and Walker Creeks.	The Department confirms that these streams are important resource protection areas for salmonid species, including SONCC coho. These streams have been redesignated as Class A.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
		051011_KlamathRiverKeeper	Close all Scott River tributaries.	The Department finds that thermal refugia are necessary for the protection of Action species (see Appendix L of the DSEIR), and therefore proposes a change of the regulations to include the confluence of the Scott and Klamath Rivers as a closure for thermal refugia.
		031411_(b) (6)	Requests justification for Class H designation above 4,000 feet in elevation	Streams above 4,000 feet in elevation in Siskiyou County are Class H (open to dredging year-round) because there are no known Action species in this zone.
		051011_	Objects to 500-foot buffer for thermal refugia at Jessups and Jackass Creeks (Gulches).	Salmon River juvenile coho salmon presence/absence surveys (2005) conducted by the Salmon River Restoration Council show thermal refugia areas at Jackass and Jessup Gulches. The Department finds that Class A is appropriate for the protection of Action species (see Appendix L of the DSEIR); therefore, no change is proposed.
	Salmon River, South Fork	022411_	Mining claim is above anadromy on South Fork Salmon River.	The mainstem of the South Fork Salmon River, from French Creek upstream to Saint Claire Creek, is designated as Class A for the protection of KT spring-run Chinook. The mainstem upstream of Saint Claire Creek is Class F to 4,000 feet in elevation, and Class H above 4,000 feet in elevation, unless otherwise noted. All tributaries to the South Fork Salmon River below 4,000 feet in elevation are Class F, unless otherwise noted.
		050311_	No spawning or fish habitat on small tributary to South Fork Salmon River.	
	Applegate River	050911_ 051011_RogueRiverKeeper	Close Applegate River and tributaries.	The Department finds that Class C is appropriate for the protection of Action species (see Appendix L of the DSEIR). Therefore, no change has been made.
	Canyon Creek	050211(b) (6) 050211	Mining claim would be shut down by the proposed regulations.	The Department finds that Class A for Canyon Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, no change has been made.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
	Clear Creek	042511 (b) (6) 050511 050511	Mining claim would be shut down by the proposed regulations.	The Department finds that Class A for Clear Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, no change has been made.
	Elk Creek (tributary to Klamath River)	030411	Requests justification for closure.	The Department finds that Class A for Elk Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, no change has been made.
		040711 040811 042511 042711 042811 042811 042811 050211 050711	Mining claim would be shut down by the proposed regulations.	
	Horse Creek	050411	Mining claim would be shut down by the proposed regulations.	The Department finds that Class A for Horse Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, no change has been made.
		051011	Requests removal from closure.	

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
	Humbug Creek	050211_(b) (6)	Mining claim would be shut down by the proposed regulations.	The Department finds that Class A for Humbug Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, no change has been made.
		050911_	Requests removal from closure.	
		050911_	Mining claim would be shut down by the proposed regulations.	
	Indian Creek (tributary to Klamath River)	030411_	Requests justification for Indian Creek closure.	The Department finds that Class A for Indian Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, no change has been made.
		030111_	Determine whether claim is affected.	
		040711_ 040811_ 041011_ 050411_Anonymous 050511_(b) (6) 050511_ 050511_ 051111_	Mining claim would be shut down by the proposed regulations.	
	Dillon Creek	051011_yV 051011_(b) (6)	Close Dillon Creek.	The Department finds that Class A for Dillon Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, Dillon Creek has been re-designated as Class A.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
	Klamath River	041211(b) (6) 51011_ 033011	Requests justification for closure.	Comment remarks on Klamath River, from Iron Gate hatchery upstream to Oregon State Line. The Department finds that for the protection of Action species (see Appendix L of the DSEIR), Class A is warranted. Therefore, no change to the regulation is proposed.
	Seiad Creek	042811 042811	Mining claim would be shut down by the proposed regulations.	The Department finds that Class A for Seiad Creek downstream of East and West Forks confluence is necessary to prevent deleterious effect to SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications."
		051111	Upper Seiad should allow dredging.	The regulations for Seiad Creek have been revised so that the upstream limit of the Class A restrictions is the confluence of the East and West Forks of Seiad Creek.
	Shasta River	051011_KlamathRiverKeeper	Close river.	The Department finds that for Shasta River, mainstem, and all tributaries upstream of County Road A12, Class A is appropriate for the protection of SONCC coho. Therefore, no change has been made.
	Thompson Creek	030411(b) (6)	Requests justification for Thompson Creek closure.	The Department finds that Class A for Thompson Creek is necessary to prevent deleterious effects on SONCC coho salmon. Therefore, no change has been made.
Tehama	Multiple Waters: all rivers and streams except east of State Route (SR) 32, unless otherwise noted	050911_USFS	Change headwater tributaries of South Fork Battle Creek (e.g., Martin, Summit Creeks to Class A for Cascades frog.	Comment suggests headwater tributaries of South Fork Battle Creek be changed to Class A because of suitable habitat for Cascades frog. Although certain tributaries were known to historically support Cascades frog, this is not adequate justification to change to Class A. Therefore, no change has been made.
		050911_USFS	Change Antelope Creek to Class A for spring-run Chinook salmon.	The Department confirms that Antelope Creek and its tributaries provide habitat for spring-run Chinook salmon and Class A protection is necessary to prevent deleterious effects. Therefore, the Department finds that Class A is warranted for the portions of Antelope Creek and its tributaries that are accessible to spring-run Chinook salmon.
	Cottonwood and Battle Creeks	051011_(b)	Change Battle and Cottonwood Creeks to Class A	See response provided for Shasta County.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
	Butte Creek Carter Creek Colby Creek Willow Creek	050911_(b) (6)	Remove closure.	Comment requests change from Class A because of no presence of Cascades frog. The Department finds that Class A is warranted because species has been documented in these streams (see Fellers et al. 2007, as referenced in Table 4.3-1 of DSEIR).
Trinity	Multiple Waters	040711_ 051011_USFS	Requests more restrictions on East Fork of Hayfork Creek and South Fork of Trinity River.	Comments suggest more restrictions on the South Fork Trinity River and its tributaries. The Department finds that Class A for South Fork Trinity River and all tributaries is necessary to prevent deleterious effects on SONCC coho salmon and spring-run Chinook. Therefore, the South Fork Trinity River and all tributaries have been redesignated as Class A.
		041811_(b) (6)	Allow suction dredging in Trinity County.	The Department appreciates your thoughtful comments on this issue. Large portions of Trinity County will remain open to suction dredging. However, the Department must implement restrictions on the activity to protect fisheries resources.
		042211_YurokTribe	No mining should be allowed within reservation boundaries.	The Department did not consider political or land use boundaries when developing the regulations. A suction dredge permit does not authorize entry to lands otherwise closed, and the permittee must comply with all land use designations and restrictions.
		050911_USFS	Change Manzanita and Canyon Creeks to Class A.	The Department finds that Class A for Manzanita and Canyon Creeks is necessary to prevent deleterious effects on SONCC coho salmon. Therefore, Manzanita and Canyon Creeks have been redesignated as Class A.
		051011_KlamathRiverKeeper	Close Scott and Salmon River watersheds.	The Department finds that that Class A is appropriate for the mainstem Salmon River, from the Klamath River upstream to Freight Train Rapid at RM8, and the mainstem of the South Fork of the Salmon River, from French Creek upstream to Saint Claire Creek, for the protection of KT spring-run Chinook.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
	Dutch Creek	041511 (b) (6)	Requests justification for closure.	The Department finds that Class A for Dutch Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications."
		042611 042611 050211 050211 050211 050211	Mining claim would be shut down by the proposed regulations.	
	New River	033011 030911 050311	Allow dredging on New River and tributaries. Requests justification for closure, and suggests a return to the 1994 regulations.	The New River (upstream of East fork) and New River, East Fork, were designated Class A in the proposed regulations for the protection of SONCC Coho spawning and rearing habitat. The Department finds that Class A is appropriate for New River (upstream of East fork) and New River, East Fork, since spawning surveys have documented the presence of naturally spawning coho. Therefore, no change has been made.
	Reading Creek	041511	Requests justification for closure.	The Department finds that Class A for Reading Creek is necessary to prevent deleterious effects on SONCC coho salmon. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications."

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response
	Trinity River	030911 (b) (6) 051011 031111 031111 031111 031411 031511 031511 032411 032411	Justification for East Fork of the North Fork closure.	Comments suggest a change from Class A to the 1994 classification. Trinity River, North Fork and East Fork of the North Fork, were designated Class A in the proposed regulations for the protection of SONCC coho spawning and rearing habitat. The Department finds that Class A is appropriate for the Trinity River, North Fork and East Fork of the North Fork, since spawning surveys have documented the presence of naturally spawning coho.
		022411 50811_	Change North Fork beginning at Hobo Gulch from Class A.	The commenter previously possessed a Special Suction Dredge Permit that required on-site inspection and limited dredge season. Comment suggests a change North Fork Trinity River from Class A to the 1994 classification. Class A boundary for North Fork Trinity River has been established at Hobo Gulch Campground (the wilderness boundary); the commenter's mining claim will not be affected.
		031811	Restrict mainstem but allow mining on tributaries.	Comment requests that the Department close the mainstem and open tributaries to dredging. The Department proposes seasonal closures on mainstem (Class C and D) to protect Action species (see Appendix L of the DSEIR), but closure of the mainstem (Class A) is not warranted.
		042911	Close the 40-mile Trinity River Restoration Program rehabilitation reach.	Comment suggests closure of first 40 miles downstream of Lewiston Dam because of restoration efforts. The Department finds that restoration efforts do not warrant closure to suction dredging. Therefore, the Department finds no change to the regulations is warranted.
		050911_USFS	Change Canyon Creek and mainstem Trinity River upstream of the North Fork to Class A.	Comment suggests change Canyon Creek to Class A because it is recommended for designation in the Salmon Restoration Federation Land Management Plan as a Wild and Scenic River. See the discussion above under the heading "Section 228(n): Compliance with Other Laws." The Department finds the Class A restrictions for lower Canyon Creek warranted for SONCC coho. The Department redesignates Canyon Creek, from the confluence with the mainstem of the Trinity River upstream to Rarick Gulch, as Class A.

Table 3-2. Department Region 1 (Del Norte, Humboldt, Lassen, Mendocino, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties)

County	Water	Letters	Nature of Comment	Response

Notes: Department = California Department of Fish and Game, KT = Klamath–Trinity, RM = river mile, SONCC = Southern Oregon/Northern California Coasts, SR = State Route, USFS = U.S. Forest Service

Source: Data compiled by Horizon Water and Environment in 2011

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
Region 2	All	041011_(b) (6)	None of Region 2 should be Class E.	The comment requested that the tributary streams in the Department's Region 2 remain as designated in the 1994 regulations, and foothill yellow-legged frog (FYLF) be removed from the list of Action species. The tributary streams were designated Class E in the proposed regulations to protect FYLF. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." The Department finds that Class E is not warranted for tributary streams in Region 2 where FYLF eggs generally hatch by June. The proposed regulations for many tributary streams in Region 2 have been changed to Class D.
Alpine	Carson River	041311_CSERC	The proposed regulations would result in deleterious effects on the mountain sucker, mountain whitefish, and Lahontan cutthroat trout.	The comment requested that the Carson River drainage be changed to Class A. Both the East and West Forks of the Carson River were designated Class G, unless otherwise noted, to protect mountain whitefish, mountain sucker, and Lahontan cutthroat trout (see Appendix L of the DSEIR). The Department finds that Class G is appropriate for the East and West Forks of the Carson River. A season of September 1 through September 30 allows suction dredge mining 1 month after the spawning season of mountain sucker and at least 1 month before the spawning season of mountain whitefish. The season also occurs after the Lahontan cutthroat trout spawning season. The Department concludes that the residual level of impact is not likely to result in deleterious effects on *Fish*. Therefore, no changes to the proposed regulations have been made.
Amador	Multiple Waters	022811_(b)	Advise as to status of Mokelumne River at Roaring Camp.	The Mokelumne River from State Route (SR) 49 upstream to the confluence of the North and South Forks would be Class H (open to dredging throughout the year).
		041311_CSERC	All waters should be Class D, unless otherwise noted.	The comment suggested all waters in the county be changed from Class H to Class D, unless otherwise noted. The comment cites the need for "recovery period." The comment is noted, but the Department finds this change is not necessary to prevent deleterious effects on fish. Streams will generally "recover" from dredging disturbances during high flow events generated by winter storms. No changes to the proposed regulations have been made.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
	Cosumnes River and Mokelumne River	041311_CSERC 050711 (b) (6) 051011 v	Requests Class A or a modified Class C to protect FYLF.	The comments suggested greater restrictions for various sections of the Cosumnes and Mokelumne Rivers in Amador County. The comments recommended designating these waters as Class A or a modified Class C (10/1–11/31). The North Fork Mokelumne River and all tributaries were designated as Class E in the proposed regulations to protect FYLF. The Department finds that Class E is appropriate for the North Fork Mokelumne River mainstem and all tributaries, from Tiger Creek to Salt Springs Reservoir, except Cole Creek. Owing to cold water conditions, FYLF egg mass development in the North Fork Mokelumne regularly extends into July. Therefore, no changes to the proposed regulations have been made. The proposed regulations for the Cosumnes River basin were intended to protect FYLF and Sierra Nevada yellow-legged frog (SNYLF) in Camp Creek upstream of Dennis Canyon (see Appendix L of the DSEIR). The South Fork Cosumnes River and all tributaries were designated as Class C in the proposed regulations to protect FYLF egg-masses (see Appendix L of the DSEIR). The Department finds that Class C restrictions for the South Fork Cosumnes River and tributaries in Amador County are not adequate to protect FYLF egg masses. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, the proposed regulations have been changed to Class D for South Fork Cosumnes River and all tributaries in Amador County.
Butte	Feather River, All Forks	032211 (b) (6) 032711	The proposed season results in difficult access and inconsistent regulations for the mainstem versus tributaries.	Regulations for the North, Middle, and South Forks of the Feather River were developed to protect FYLF egg-mass development. The Department finds that the Class E restrictions for the tributaries are not warranted. The regulations have been changed to Class D for the North, Middle, and South Forks of the Feather River and all tributaries upstream of Lake Oroville, unless otherwise noted.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
Calaveras	Multiple Waters	041311_CSERC	Change to Class D to provide a rest and recovery period.	The comment suggested that all waters in the county be changed from Class H to Class D, unless otherwise noted. The comment notes the need for "recovery period." The comment is noted, but the Department finds this change is not necessary to prevent deleterious effects on fish. Streams will generally "recover" from dredging disturbances during high flow events generated by winter storms. No changes to the proposed regulations have been made.
	Multiple Waters—rivers and streams west of SR 49	041311_CSERC	Change to Class A to protect hardhead, Central Valley (CV) Chinook (Late Fall-run), and CV Steelhead.	The comment requested that multiple rivers and streams west of SR 49 be changed to Class A from Class C, unless otherwise noted. The comment suggests the change is needed to protect hardhead, CV Chinook, and CV steelhead. The Department finds that Class C will prevent deleterious effects on these species. Therefore, no changes to the proposed regulations have been made.
	Calaveras River (South Fork), Forest Creek, Mokelumne River, Stanislaus River	041311_CSERC	Modify Class C from 10/1 to 11/31 to protect FYLF eggs and tadpoles.	The comment requested that the North Fork Mokelumne River mainstem and all tributaries from Tiger Creek to Salt Springs Reservoir, except Cole Creek, be changed to a modified Class C (open 10/1–11/31). The North Fork Mokelumne River and all tributaries were designated Class E in the proposed regulations to protect FYLF egg masses (see Appendix L of the DSEIR). The Department finds that Class E is appropriate for the North Fork Mokelumne River mainstem and all tributaries from Tiger Creek to Salt Springs Reservoir, except Cole Creek, since the North Fork Mokelumne is colder water, which delays egg-mass development into July. Therefore, no changes to the proposed regulations have been made.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
El Dorado	American River Drainage	032811 (b) (6)	The proposed classification on the South and Middle Forks results in difficult access, and the water is too low to dredge at other times. "Species of Special Concern" should not be used as a basis for limiting dredging.	Regulations for the South and Middle Forks of the American River were developed largely to protect FYLF egg-mass development. To develop regulations, FYLF observations or distributions were assembled from a variety of sources, including Department and USFS databases, and hydroelectric dam relicensing studies. From these sources and the mapped species range, regulations were applied to these streams. The regulations in the DSEIR states that tributaries to the Middle Fork American River for both Placer and El Dorado Counties are Class E. Upon further consideration, this regulation has been changed so that the mainstem and all tributaries, from the North Fork American River to Oxbow Dam, are Class D, unless otherwise noted. Similarly, for the South Fork American River, the mainstem and all tributaries, from Slab Creek Reservoir upstream to the Kyburz have been change from Class E to Class D, unless otherwise noted. The comment notes that FYLF is a state Species of Special Concern. The DSEIR does not rely solely on a special-status designation for a species to determine the measures necessary to protect the species from deleterious effects. The species' local rarity, population viability, and life history are key factors in establishing protection measures.
		041511 (b) (6) 050411	Close North Fork; close North Fork Wild and Scenic designation.	The comment requested that the North Fork of the American River and all tributaries, from Lake Clementine to Big Valley Canyon, be changed to Class A. This section of the North Fork of the American River was designated Class G in the proposed regulations to protect FYLF and resident rainbow trout (see Appendix L of the DSEIR). The Department finds that Class D is appropriate for the North Fork of the American River and all tributaries, from Lake Clementine to Big Valley Canyon. See the discussion above under the heading "Section 228(n): Compliance with Other Laws." See also the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Therefore, the proposed regulations have been changed to Class D for the North Fork American River and its tributaries, from Lake Clementine upstream to Big Valley Canyon.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
		032611 (b) (6)	Salmon do not spawn in South Fork, so no need to alter existing season.	Regulations for the South Fork American River were developed largely to protect FYLF egg-mass development. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." From these sources and the mapped species range, regulations were applied to the South Fork American River. The proposed regulations in the DSEIR assigned Class E to the South Fork American River mainstem and all tributaries, from Slab Creek Reservoir upstream to Kyburz, unless otherwise noted. FYLF egg masses typically hatch by the first week in June, although delayed breeding may occur (Garcia and Associates 2007). The Department considers delayed breeding seasons to be periodic anomalies, and that the Class D restriction for FYLF would prevent deleterious effects that may result from suction dredging.
		032911	South Fork flow changes hourly and provides poor habitat.	
		050711	South Fork flow changes hourly, provides poor habitat, and the proposed designation is not supported by facts.	
		051011_USFS	Change South Fork American River from Slab Creek Reservoir upstream to U.S. Route 50 Bridge at Riverton to Class A for FYLF.	
		042311_FoothillsAnglers	Close Middle Fork tributaries above Oxbow Dam to protect spawning.	The tributaries to the Middle Fork American River were designated Class E in the proposed regulations to protect FYLF breeding and egg-mass development. The Department finds that the Class E restriction for the tributaries of the Middle Fork American River is not warranted. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Rainbow trout are not Action species because of their broad-scale distribution and the surrogate protection this species receives from the FYLF. Therefore, the proposed regulations have been changed to Class D for the tributaries of the Middle Fork of the American River above Oxbow Dam.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
			Close Middle Fork below Oxbow Dam.	The Middle Fork American River mainstem below Oxbow Dam was designated Class D in the proposed regulations to protect FYLF breeding and egg-mass development. The Department finds that Class D is appropriate for the Middle Fork American River below Oxbow Dam. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." Rainbow trout are not Action species because of their broad-scale distribution and the surrogate protection this species receives from the FYLF. Therefore, no changes to the proposed regulations have been made.
		051011_BLM	Indian Creek should be Class E for FYLF.	Indian Creek, a tributary to the South Fork American River near Coloma, was designated Class C in the proposed regulations. The Department finds that Class D is appropriate for Indian Creek to protect FYLF. Therefore, the proposed regulations for Indian Creek in El Dorado County have been changed to Class D.
	Camp Creek	050711 (b) (6) 032811	There is no justification for closure.	Regulations for Camp Creek downstream of Dennis Canyon were developed largely to protect FYLF egg-mass development. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." The regulation in the DSEIR for Camp Creek downstream of Dennis Canyon was Class E. Upon further consideration, the Department finds that Class D is an appropriate level of protection for Camp Creek downstream of Dennis Canyon. Upstream of Dennis Canyon, Camp Creek and its tributaries are proposed to be Class A for SNYLF.
	Rubicon River	032511(b) (6)	Ambiguous designation because river is on the county line; should be Class D.	Suction dredge class designations for the Rubicon River have been clarified for both Placer and El Dorado Counties, with distinct geographic location designations used to delineate river classifications. See the discussion above under the heading "Recurring Comments Related to Particular Species in Section

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
		041811_(b) (6)	Ambiguous designation because river is on county line, Class A in El Dorado and Class E in Placer.	228.5(a): Suction Dredge Use Classifications." The regulations for the Rubicon River in the DSEIR are Class E for the mainstem and all tributaries upstream of Oxbow Dam to the Placer–El Dorado county line. Upon further consideration, this regulation has been changed to Class D for the mainstem Rubicon River and all tributaries upstream of Oxbow Dam to Parsley Bar Crossing.
		042311_FoothillsAnglers	Ambiguous designation because river is on county line; the lower 3 miles should be closed for FYLF.	
	Cosumnes River	041411_(b) (6)	Change Cosumnes basin to Class A for the Cosumnes spring stonefly and pristine nature of the basin.	The Cosumnes spring stonefly occurs only in small, intermittent streams in the Cosumnes and American River drainages (Bottorff 2007). Suction dredging is unlikely to occur in intermittent drainages and would be effectively prohibited in streams with a flow width of 6 feet or less. Therefore, impacts on the Cosumnes spring stonefly are highly unlikely to occur. No changes to the proposed regulations have been made.
		050711_(b) (6) 050711_ 050311_ElDoradoCoSup	The proposed designation results in dangerous conditions and is during low flow months.	Regulations for Cosumnes River were developed largely to protect FYLF breeding and egg-mass development. See the discussion above under the heading "Recurring Comments related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." The regulations in the DSEIR for the Middle Fork Cosumnes River mainstem and all tributaries were Class E. Upon further consideration, these regulations have been changed to Class D for the Middle Fork Cosumnes River mainstem and all tributaries. The regulations were developed to prevent deleterious effects on Action species, and did not consider the most opportune times to access the streams for dredging. Dredgers must use their own discretion to determine if streams are safe for dredging during the seasons (Classes) stipulated in the regulations.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
	Weber Creek/Rock Creek	032611 (b) (6) 050711 050311_ElDoradoCo Sup	The closure is not supported by facts.	Weber Creek and the Rock Creek drainage (including Traverse and Bear Creeks) support populations of California red-legged frog (CRLF), a species listed as threatened under the federal Endangered Species Act. The closure of these drainages is necessary to prevent potential deleterious effects on CRLF and its habitat from impacts resulting from suction dredge mining, such as alteration of breeding (pool) habitat.
		041411_(b) (6)	Designate Bear Creek, Rock Creek, and Traverse Creek.	
Nevada	Yuba River	050511_	The new season results in poor access.	The comment noted that the new regulations for segments of the South and Middle Yuba Rivers in Nevada County are not conducive to dredging, and that salmon are not present above the large dams on these rivers. Regulations for the segments of the streams upstream of the large dams were developed to protect FYLF from deleterious effects. The regulations did not consider the most opportune times to access the streams for dredging. Dredgers must use their own discretion to determine whether streams are safe for dredging during the seasons (Classes) stipulated in the regulations.
		032311_(b) (6) 1v	Close South Yuba Wild and Scenic designation.	The comment requested that the South Fork Yuba River be changed to Class A. The South Fork Yuba River was designated Class D in the proposed regulations to protect the FYLF breeding and egg-mass development. The Department finds that Class D is appropriate for South Fork Yuba River. See the discussion above under the heading "Recurring Comments related to Particular Species in Section 228.5(a): Suction Dredge Use Classifications." See also the discussion above under the heading "Section 228(n): Compliance with Other Laws." No changes to the proposed regulations have been made.
Placer	American River	031411_(b) (6)	The new season on the North Fork results in dangerous conditions and is during low flow months.	Several comments requested that the North Fork of the American River and all tributaries, from Lake Clementine to Big Valley Canyon, be changed to Class A. Others suggested that less restrictive regulations are appropriate. This section of the North Fork of the American River was designated Class G in the proposed regulations to protect FYLF breeding and egg-mass development and resident

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
		032411 (b) (6) h_FOR 050111 032311 1v	Close North Fork for Wild and Scenic designation.	rainbow trout (see Appendix L of the DSEIR). FYLF eggs hatch and rainbow trout fry emerge from redds, typically by the first week of June. Therefore, the regulation has been changed to Class D for the North Fork American River and its tributaries, from Lake Clementine upstream to Big Valley Canyon. See the discussion above under the heading "Section 228(n): Compliance with Other Laws." The regulations were developed to prevent deleterious effects on Action species, and did not consider the most opportune times to access the streams for dredging. Dredgers must use their own discretion to determine whether streams are safe for dredging during the seasons (Classes) stipulated in the regulations.
		032911	The North Fork season is not supported by facts.	
		041911	The North Fork Wild and Scenic designation: change mainstem and all tributaries, from Lake Clementine to Big Valley Canyon, to Class C.	
		042311_FoothillsAnglers	The North Fork designation fails to protect wild trout fishery.	
		042311_FoothillsAnglers	Ambiguous designation because the river is on the county line; the lower 3 miles should be closed for FYLF.	The comment noted that the regulations for the North Fork American River downstream of Clementine Dam are confusing and contradictory. The North Fork American River downstream of Clementine Dam forms the border between El Dorado and Placer Counties. In the DSEIR, the North Fork American River below Clementine Dam was listed for El Dorado County but not for Placer County. The Department finds that Class C is appropriate for the North Fork American River and all tributaries from Folsom Lake upstream to Lake Clementine Dam, unless otherwise noted in Placer County. The regulations have been adjusted to reflect this clarification.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
		051011_USFS	Change Middle Fork American River from Oxbow Reservoir upstream to Interbay Dam to Class A for FYLF and hardhead.	The comment suggested that the Middle Fork American River between Oxbow Reservoir and Interbay Dam be changed to Class A to protect FYLF and hardhead. This segment of the Middle Fork American River was designated Class D in the proposed regulations to protect the FYLF breeding and egg mass development. The Department finds that Class F is appropriate to protect FYLF and hardhead. The regulations have been changed so that Middle Fork American River, from the North Fork of the American River upstream to Andersen Dam, is Class F. Andersen Dam is used as an upstream end point to facilitate the enforcement of regulations in the Middle Fork drainage.
		032111 (b) (6)	There should be a color-coded map for the state.	Comment noted. The Department is working to develop these maps.
	Rubicon River	032511	Ambiguous designation because the river is on the county line; should be Class D.	Designations for the Rubicon River have been clarified for both Placer and El Dorado counties with distinct geographic location designations used to delineate river classifications. In Placer and El Dorado Counties, the Rubicon River mainstem and all tributaries upstream of Oxbow Dam to Parsley Bar crossing are reclassified as Class D for FYLF. In El Dorado County, the Rubicon River mainstem and all tributaries upstream from the Desolation Wilderness Boundary are reclassified as Class A for SNYLF.
		041811	Ambiguous designation because the river is on the county line, and is designated Class A in El Dorado County and Class E in Placer County.	
Plumas	Multiple Waters	042211	Requested the designation status of Plumas National Forest.	The comment requested information regarding regulations in the Plumas National Forest. Regulations for the Plumas National Forest vary by drainage. Please consult the regulations for Plumas County.

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter		Nature of Comment	Response
		041211	(b) (6)	Should be allowed to use an 8-inch dredge on Indian Creek, Plumas County.	The Department has elected not to add any rivers in which an 8-inch dredge would be allowed.
	Feather River	032211		Tributaries and the Middle Fork should be open at the same time.	Regulations for the North, Middle, and South Forks of the Feather River were developed to protect FYLF breeding and egg-mass development. The Department finds that the Class E restrictions for the tributaries are not warranted. The regulations have been changed to Class D for the North, Middle, and South Forks of the Feather River and all tributaries upstream of Lake Oroville, unless otherwise noted. The regulations were developed to prevent deleterious effects on Action species, and did not consider the most opportune times to access the streams for dredging. Dredgers must use their own discretion to determine whether streams are safe for dredging during the seasons (Classes) stipulated in the regulations.
		032711		The new season is during low flows.	
		031811		The East Branch of the North Fork classification is ambiguous. Class E should be Class D.	
		042911		The East Branch of the North Fork should be Class D.	
		050211		Requests justification for the North Fork Class D designation, the East Branch of the North Fork Class E designation. Requests a change on the East Branch of the North Fork, north of Twain, to Class D	

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
		050611_(b) (6)	Requests change of the East Branch of the North Fork.	
		042211_	Requests justification for East Branch of the North fork Class E designation.	
	Mill Creek	050511_ 050511_ 050911_	Change Mill Creek season from Class A.	The comment requested that Mill Creek (Bucks Lake Wilderness) be changed from Class A. Mill Creek was designated Class A in the proposed regulations to protect SNYLF (see Appendix L of the DSEIR). The Department finds that Class A restrictions for Mill Creek are not warranted downstream of the Bucks Lake Wilderness boundary, since SNYLF only occurs in the upper reaches of the Mill Creek drainage. The regulations have been changed so that only the portion of Mill Creek and its tributaries upstream of the Bucks Lake Wilderness Boundary are Class A. Note that Class D restrictions apply to Mill Creek and its tributaries downstream of the Bucks Lake Wilderness boundary because it is in the North Fork Feather River drainage.
	Slate Creek	030311_ 032511_	Reconsider closure, given lack of justification for closure.	The comment requested that Slate Creek and all tributaries be changed to a less restrictive classification. Slate Creek and all tributaries in Plumas County were designated Class A in the proposed regulations to protect SNYLF. SNYLF was documented in the watershed by recognized amphibian experts. The Department has changed the proposed regulations for Slate Creek downstream of Rabbit Creek to Class D, as SNYLF do not occur in this reach. Upstream of Rabbit Creek, Slate Creek and its tributaries remain Class A.
		032811_	There are no SNYLF in this watershed.	SNYLF have been documented within the Slate Creek watershed. Surveys conducted by recognized amphibian experts documented SNYLF in the Slate Creek watershed beginning in 1960, with small numbers of frog still present within the watershed. SNYLF were observed in the Slate Creek watershed in the summer of 2011

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
				(Roberts, pers. comm., 2011). The comment cited work by Knapp (2003) as evidence that many creeks that are the focus of suction dredging are not suitable habitat for SNYLF. Knapp (2003) presents a probabilistic model to predict SNYLF occupancy. The model uses site-specific and SNYLF presence/absence data to predict the probability of presence at similar sites. Knapp (2003) used these data to predict the probability of SNYLF occupancy at high elevations (> 9500 feet). This study does address the probability of SNYLF occurrences in streams of Plumas and Sierra Counties that are at elevations below 7000 feet. The documented presence of the species in the Slate Creek watershed is the basis for the Class A designation, not the modeling results. The comment also noted the Department's trout stocking as the principle cause for the decline of the SNYLF. The Department has conducted an EIR on its hatchery operations and has made operational adjustments to minimize impacts on SNYLF. That said, the focus of this particular study is on suction dredging. The Department must consider the incremental impact of suction dredging and finds that restrictions on Program activities are needed to prevent deleterious effects on SNYLF (see MR-BIO-5).
Sierra Yuba	Multiple Waters	031011 (b) (6)	Comment had a streambed alteration agreement for dredging within a seasonal stream.	The comment requested information for a seasonal stream in Sierra County. Sufficient information on the location of the stream was not provided in the comment letter to make a determination. Please contact the Department regional office for assistance with interpretation of the regulations.
	Slate Creek	030311 031311 031511 032511	Requests justification for Class A; change from Class A.	See response provided for Slate Creek in Plumas County.
	Yuba River	042311_FoothillAngl	Close North Yuba	The comment requested that North Fork Yuba River above Ladies

Table 3-3. Department Region 2 (Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Plumas, Sierra, Sutter, and Yuba Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties that are north of I-80 and east of I-5)

County	Water	Letter	Nature of Comment	Response
		(b) (6)	above Ladies Canyon Creek.	Canyon Creek be changed to Class A. The North Fork Yuba River above Ladies Canyon Creek was designated Class H in the proposed regulations because no Action species are present within this reach of the river. The Department finds that Class H is appropriate for the North Fork Yuba River upstream of Ladies Canyon Creek. Rainbow trout are widely distributed throughout the watershed, and FYLF regulations provide surrogate protection for rainbow trout in many other streams. Therefore, no changes to the proposed regulations have been made.
			Change North Yuba season, because dredging in winter is not practical; requests justification for class change.	The comments noted that the new regulations for the Middle and North Forks of the Yuba River in Sierra County are not conducive to dredging, and requested information on justification for the regulations. See the discussion above under the heading "Section 228(n): Compliance with Other Laws." The Department finds that Class D restrictions are appropriate for the mainstems of the North and Middle Yuba Rivers. However, the Department finds that the Class E restrictions are not warranted for the tributaries. The regulations have been changed to Class D for the tributaries. The regulations were developed to prevent deleterious effects on Action species, and did not consider the most opportune times to access the streams for dredging. Dredgers must use their own discretion to determine whether streams are safe for dredging during the seasons (Classes) stipulated in the regulations. The mainstem Yuba River, from the Feather River to Englebright Reservoir, has been designated Class A for protection of multiple runs of CV Chinook salmon, including spring-run.
			Review Kanaka Creek season (Middle Fork Yuba Tributary).	
			Requests the criteria for the proposed change in season.	

Notes: CRLF = California red-legged frog, CV = Central Valley, Department = California Department of Fish and Game, FYLF = foothill yellow-legged frog, SNYLF = Sierra Nevada yellow-legged frog, SR = State Route, USFS = U.S. Forest Service

Source: Data compiled by Horizon Water and Environment in 2011

Table 3-4. Department Region 3 (Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Santa Cruz, San Francisco, Solano, and Sonoma Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties south of I-80 and west of I-5)

County	Water	(b) (6)	Nature of Comment	Response
Region 3			Close all streams in Region 3.	The comment states that all streams in the Department Region 3 that were closed under the 1994 regulations, are designated as "Wild and Scenic," or are designated Critical Habitat for California red-legged frog (CRLF) should be closed under the updated regulations. The Department has developed the updated regulations based on the best available scientific information to prevent deleterious effects on *Fish*; justifications for the proposed regulations are provided in the DSEIR. Closing rivers based on their land use designation does not necessarily relate to "deleterious to fish," which is the basis on which the regulations were developed in keeping with the legal authority given to the Department. Regulations to protect CRLF were considered on a stream-by-stream basis and local knowledge of populations. Some amendments to the regulations have been made to protect CRLF populations, such as Class A closure of Alameda Creek.
Alameda	Alameda Creek		Change to Class A owing to reintroduction of steelhead and CRLF.	Steelhead have been documented using lower Alameda Creek through at least 2008. The U.S Fish and Wildlife Service's Recovery Plan for CRLF (USFWS 2002) lists adults as being present in upper Alameda Creek. The Department finds that the Alameda Creek watershed warrants year-round closure to prevent potential impacts on steelhead and CRLF. Therefore, Alameda Creek and all tributaries have been redesignated as Class A.
Marin	Gallinas Creek		Close this creek to protect California clapper rail and steelhead.	Gallinas Creek was designated Class D to prevent potential adverse impacts on green sturgeon. The comment requested that the stream be closed to protect California clapper rail and steelhead. The Department finds that it would be highly unlikely for Proposed Program activities (i.e., suction dredging) to take place in portions of the stream that provide suitable habitat for California clapper rail, as the potential to recover gold in tidal or brackish marsh substrate with the equipment authorized for use under this program is extremely low. In addition, significant impacts on California clapper rail habitat are considered highly unlikely to occur when operating in accordance with the proposed regulations. The Department finds that no substantial evidence has been presented to indicate that Gallinas Creek supports a viable run of Central California Coast DPS steelhead. Therefore, no changes to the regulations have been made.

Table 3-4. Department Region 3 (Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Santa Cruz, San Francisco, Solano, and Sonoma Counties, as well as those portions of Sacramento, San Joaquin, and Yolo Counties south of I-80 and west of I-5)

County	Water	Letter	Nature of Comment	Response
	San Clemente Creek	050311_MarinAudobon	Close creek in Ecological Reserve and to protect California clapper rail; comment expressed concerns regarding noise.	The comment noted that San Clemente Creek forms the boundary of a Department Ecological Reserve and should therefore be closed. The regulations and the California Code of Regulations prohibit suction dredging within Department Ecological Reserves. However, the stream classifications published in the DSEIR do not reflect land use designations. The permittee is responsible for complying with local land use restrictions, which may supersede the classification presented in the DSEIR. If this segment of San Clemente Creek is within an Ecological Reserve, then suction dredging would not be permitted. The comment also notes that sections of the stream support California clapper rail. As noted in the response for Gallinas Creek, it would be highly unlikely for suction dredging to occur in California clapper rail habitat owing to the characteristics of the substrate in these areas. Finally, local noise ordinances would govern noise-related impacts in this area. Therefore, no changes to the regulations have been made.
	San Rafael Creek	050311_MarinAudobon	Close creek to protect California clapper rail; comment expressed concerns regarding noise, pollutants and sedimentation.	The comment noted that the San Rafael Creek is a highly urbanized creek that is not suitable for suction dredging, and the Marin Audubon Society owns a parcel at the mouth of the creek that supports California clapper rail. As noted in the response for Gallinas Creek, it would be highly unlikely for suction dredging to occur in California clapper rail habitat owing to the characteristics of the substrate in these areas. As a private property owner, the Marin Audubon Society has the right to prohibit suction dredging on their property. Possession of a suction dredge permit does not authorize an individual to enter private property. Local noise ordinances would govern noise-related impacts in this area. No additional information has been presented to suggest that the program would result in deleterious effects on fish or result in impacts that were not already addressed in the DSEIR. Therefore, no changes to the regulations have been made.

Notes: CRLF = California red-legged frog, Department = California Department of Fish and Game

Source: Data compiled by Horizon Water and Environment in 2011.

Table 3-5. Department Region 4 (Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare, and Tuolumne Counties)

County	Water	Letter	Nature of Comment	Response
Multiple	Multiple	051011_(b)	No justification was provided for designating multiple streams above 4,000 feet elevation in Fresno, Kern, Madera, and Tulare Counties as Class A. They should be returned to the 1994 regulations.	Streams above 4,000 feet elevation in Fresno, Kern, Madera, and Tulare Counties were designated Class A in the proposed regulations to protect the Sierra Nevada yellow-legged frog (SNYLF) (see Appendix L of the DSEIR). The Department finds that Class A is warranted for these areas owing to the declining numbers of the SNYLF throughout its entire range and the potential for impacts by suction dredging. Therefore, no change to the proposed regulations has been made.
Fresno	Jose Creek	051011_USFS	Close Jose Creek for FYLF.	The comment provided information regarding important habitat for FYLF. The Department agrees with the need to protect this habitat as a refuge for FYLF. Therefore, Jose Creek has been redesignated as Class A.
Fresno and Madera	San Joaquin River: mainstem between Redinger and Kerckhoff Reservoirs	051011_USFS	Make San Joaquin River between Redinger and Kerckhoff Reservoirs (i.e., Horseshoe Bend segment) Class G for hardhead.	This reach of the San Joaquin River is considered an important hardhead “stronghold population” (White Paper on Historical Fisheries of the Mid-Elevation San Joaquin River, CDFG Mitchell, 1998). As an outcome of the Big Creek 4 Hydroelectric Project (FERC No. 2017) relicensing, a Native Aquatic Species Management Plan was developed for this reach of the river, in which the "protection and maintenance of the native warm water fish community (hardheads, sucker, and squawfish [sic]) currently thriving in the area, along with Foothill yellow legged frog.” The Department finds that Class A restrictions for this special management area are necessary to prevent deleterious effects on *Fish*. Therefore, the San Joaquin River is redesignated as Class A.

Table 3-5. Department Region 4 (Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare, and Tuolumne Counties)

County	Water	Letter	Nature of Comment	Response
Kern	Multiple Waters: all rivers and streams east of State Route (SR) 99, north of SR 58, south of SR 178, and west of SR 14 above 4,000 feet in elevation	032211 (b) (6)	Should be allowed to dredge Kern River, no salmon present.	The comments suggested that dredging be allowed in the Kern River above 4,000 feet in elevation. The Department finds that Class A is warranted for protection of SNYLF. Therefore, no change to the proposed regulations has been made.
		032511 032811	Open Kern and avoid breeding SNYLF, and safety concerns for dredgers.	
Madera	Multiple Waters: all rivers and streams above 4,000 feet in elevation	032811	Open streams to dredging above 4,000 feet in elevation.	The comments suggested that dredging be allowed in the Madera County above 4,000 feet in elevation. The Department finds that Class A is warranted for protection of SNYLF. Therefore, no change to the proposed regulations has been made.
Mariposa	All rivers and streams above 5,000 feet in elevation	040811	Maintain 1994 regulations for Merced River above major dams.	Comment suggested that the regulations for the Merced River above the major dams be the same as the 1994 regulations (Class H). The Merced River below 2,000 feet in elevation in Mariposa County has been designated Class F to protect hardhead and FYLF. The Merced River between 2,000 and 5,000 feet in elevation in Mariposa County has been designated Class D to protect FYLF. Above 5,000 feet in elevation, Mariposa County is designated Class A for SNYLF. The Department finds that these designations are warranted for these species' protection. Therefore, no change to the regulations has been made.

Table 3-5. Department Region 4 (Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare, and Tuolumne Counties)

County	Water	Letter	Nature of Comment	Response
Mariposa	Multiple Waters: all rivers and streams from 5,000 feet to 2,000 feet in elevation Multiple Waters: all rivers and streams below 2,000 feet in elevation	050211 (b) (6) 051010	Close mainstem Merced River and South Fork.	The comments requests closure of the Merced River in Mariposa and Merced Counties, citing several potential adverse effects of dredging, including impacts on benthic organisms, fish and fish eggs, riparian habitat, channel morphology, and water quality. The comments also cite the Wild and Scenic designation of certain segments of the Merced River and its tributaries. The Department considered all of these impacts, and their synergistic effects, in the development of the proposed regulations. Upon reviewing these considerations for the Merced River and its watershed in Merced and Mariposa Counties, the Department finds that the proposed regulations provide adequate protection such that deleterious impacts on *Fish* species are not likely to occur. Therefore, no change to the proposed regulations has been made.
		030311 032811	Change to Class H or Class D.	The comment indicated that the proposed regulations would eliminate suction dredging in seasonal creeks and suggested the regulations be changed to Class H or Class D for streams in Mariposa County below 5,000 feet in elevation. Mariposa County below 2,000 feet in elevation has been designated Class F to protect hardhead and FYLF. Mariposa County between 2,000 and 5,000 feet in elevation has been designated Class D to protect FYLF. The Department finds that these designations are warranted for these species' protection. Therefore, no change to the proposed regulations has been made.
	Hall's Gulch and Sherlock Creek	051011_BLM	Change designation to Class E to protect FYLF.	Streams below 2,000 feet in elevation in Mariposa County are designated Class F for the protection of hardhead and FYLF. The Department has determined that these regulations would protect populations of FYLF. No extenuating circumstances were provided by the comment to justify a change, so the proposed regulations remain as Class F.
Stanislaus	Stanislaus River/ Tuolumne River	041311_CSERC 051011_(b)	Change designation to Class A for Chinook and steelhead.	The comment recommends changing the designation for the Stanislaus and Tuolumne Rivers from Class C to Class A. The Department does not find Class A necessary because all life stages of salmon are not present during the open season for Class C. Young-of-the-year steelhead have emerged by approximately June 1 and are free swimming. Suction dredging is not likely to result in deleterious effects. Therefore, no

Table 3-5. Department Region 4 (Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare, and Tuolumne Counties)

County	Water	Letter	Nature of Comment	Response
				change to the proposed regulations has been made.
Tuolumne	Multiple Waters: all rivers and streams from 5,500 feet to 2,000 feet in elevation	041311_CSERC	Change designation to a modified Class C (10/1–11/31) for FYLF.	The comment requested that multiple waters from 2,000 to 5,000 feet in elevation in Tuolumne County be changed to a Modified Class C (open 10/1–11/31). The Department finds that Class D would prevent deleterious effects on *Fish*.. Therefore, no change to the proposed regulations has been made.
	Eagle Creek	032811_(b) (6)	There would be no water in the creek during the proposed dredging season; commenter has never seen a fish or frog in the creek.	The comment refers to a mining claim at 1,800 feet in elevation on Eagle Creek. This region of Tuolumne County was designated Class F in the proposed regulations. The Department finds that Class F is warranted to protect FYLF and hardhead. Therefore, no change to the proposed regulations has been made.
	All rivers and streams below 2,000 feet in elevation	040811_	There would be no water during the proposed season.	The comment requested that multiple waters below 2,000 feet in elevation in Tuolumne County be open prior July 1 because the streams will be dry by that time of year. The Department finds that Class F is warranted to protect FYLF and multiple fish species. Therefore, no change to the proposed regulations has been made.
	All rivers and streams below 2,000 feet in elevation	041311_CSERC	Change to Class A for FYLF, hardhead, steelhead, and Chinook.	The comment requested that multiple waters below 2,000 feet in elevation in Tuolumne County be changed to Class A. The Department finds that Class F would prevent deleterious effects to *Fish*. Therefore, no change to the proposed regulations has been made.
	Amber Creek (Six Bit Gulch Tributary)	041311_CSERC, 051011_BLM	Change to Class A for Red Hills roach.	The comment requested that Amber Creek and Six Bit Gulch in Tuolumne County be changed to Class A. The Department confirms that Class B is an appropriate level of protection to prevent deleterious effects on Red Hills roach. This area had a similar use classification under the 1994 regulations and no deleterious effects were noted. Therefore, no change to the proposed regulations has been made.
	Horton Creek	041311_CSERC,	Change to Class A	The comment requested that Horton Creek in Tuolumne County be

Table 3-5. Department Region 4 (Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Luis Obispo, Stanislaus, Tulare, and Tuolumne Counties)

County	Water	Letter	Nature of Comment	Response
	(Six Bit Gulch Tributary)	051011_BLM	for Red Hills roach.	changed to Class A. The Department confirms that Class B is an appropriate level of protection to prevent deleterious effects on Red Hills roach. This area had a similar use classification under the 1994 regulations and no deleterious effects were noted. Therefore, no change to the proposed regulations has been made.
	Roach Creek (Six Bit Gulch Tributary)	041311_CSERC, 051011_BLM	Change to Class A for Red Hills roach.	The comment requested that Roach Creek in Tuolumne County be changed to Class A. The Department confirms that Class B is an appropriate level of protection to prevent deleterious effects on Red Hills roach. This area had a similar use classification under the 1994 regulations and no deleterious effects were noted. Therefore, no change to the proposed regulations has been made.
	Moccasin Creek, Rose Creek, Knight Creek	051011_BLM	Change to Class E for FYLF.	Streams below 2,000 feet in elevation in Tuolumne County are designated Class F for the protection of hardhead and FYLF. The Department has determined that these regulations would protect populations of FYLF. No extenuating circumstances were provided by the comment to justify a change in Class, so the Proposed Regulation remains as Class F.

Notes: CDFG = California Department of Fish and Game (Department), FERC = Federal Energy Regulatory Commission, SNYLF = Sierra Nevada yellow-legged frog, SR = State Route

Source: Data compiled by Horizon Water and Environment in 2011

Table 3-6. Department Region 5 (Los Angeles, Orange, San Diego, Santa Barbara, and Ventura Counties)

County	Water	Letter	Nature of Comment	Response
Multiple	All	051011_SWRCB	Close all water bodies in Los Angeles Region because of potential impacts on water quality and beneficial uses.	The proposed regulations impose restrictions on suction dredging based on the distribution and life history of Action species (see DSEIR, Table 4.3-1). The Department does not have the authority to impose restrictions that are not directly related to deleterious effects on *Fish*. Development of the proposed regulations considered water quality impacts (e.g., turbidity) on *Fish,* and these considerations are incorporated into the regulations. The comment has not provided additional substantive information that would warrant changes to the proposed regulations.
Los Angeles	San Gabriel River, East Fork	051011_USFS	Protect spawning of Santa Ana sucker, including protracted spawning seasons.	The comment noted that the spawning season of Santa Ana sucker (SAS) can be highly variable and protracted, citing the U.S. Fish and Wildlife Service's (USFWS's) Final Rule to Designate Critical Habitat for SAS (Federal Register Volume 69, Number 38). SAS spawn from March to July, with a peak in April (Greenfield et al. 1970, Moyle 2002, Feeney and Swift 2008, USFWS 2011). Saiki et al. (2007) provided evidence for a protracted spawning season. The Department considers protracted spawning to be periodic anomalies. Class E restrictions (September 1 to January 31) would protect SAS breeding during the main spawning periods, as well as portions of a protracted spawning period, if one were to occur. Therefore, no change to the proposed regulations has been made.
	San Gabriel River, East Fork	051011_USFS	SAS are at risk of entrainment during the suction dredge season.	The comment stated that SAS are likely to be at risk of direct entrainment during the dredging season. As noted in the DSEIR, the Department acknowledges the potential for direct entrainment of juvenile and adult fin fish. The proposed regulations contain several provisions that would reduce the potential for direct entrainment, including requirements for screening of pump intakes (Section 228(k)(3)), restrictions on dredging along the margins of the stream (prohibited within 3 feet of water's edge) where juvenile SAS tend to congregate (Section 228(l)(3)), and prohibition on the willful entrainment of fish (Section 228(l)(17)). With these restrictions in place, the Department finds that direct entrainment of SAS would be unlikely. Therefore, no change to the proposed regulations has been made.

Table 3-6. Department Region 5 (Los Angeles, Orange, San Diego, Santa Barbara, and Ventura Counties)

County	Water	Letter	Nature of Comment	Response
	San Gabriel River, East Fork	051011_USFS 051011_FOR	Class E restrictions conflict with federal law and land use designations.	The comments noted that designating the East Fork San Gabriel River as Class A would prevent conflict with federal law and land use designation. The Department does not have the authority to impose restrictions on suction dredging based on federal laws or land use designations. It is within the USFS's purview to regulate the activity on federal lands.
	San Gabriel River, East Fork	051011_USFS	Consider effects of multiple dredges in close proximity and multiple recreational uses.	The comment expressed concerns for SAS in East Fork San Gabriel River, particularly in areas that are used by multiple dredgers in close proximity to one another, in conjunction with a high density of other recreational users. The proposed regulations for the East Fork San Gabriel River considered the potential impacts associated with multiple dredgers operating in close proximity to one another. Recent surveys concluded that populations of SAS in areas on the San Gabriel River that historically have been the target of suction dredging mining are healthy and stable (O'Brien et al., in press). Impacts associated with concurrent uses (day use, swimming, dam building, fishing, hiking, and camping) that may have impacts on native aquatic fauna, including water quality, trampling, safety concerns, and trash issues, are not addressed in the regulations. Management of these activities is within in USFS purview to regulate, as are incidences of prolonged occupancy and other reported abuses by dredgers.
	Big Tujunga and forks of the San Gabriel River	051011_USFS	Why are these rivers not designated Class A for SAS?	The comment questioned why all streams that support SAS were not designated Class A, which is the general use class assigned to streams supporting species that are very rare and/or have very limited distribution. SAS occupy five streams in the San Gabriel River basin (~23 miles). The area open to suction dredging is restricted to approximately 3.7 miles in a single stream. Focused surveys have shown that SAS distribution has remained stable for the last 35 years. Recent (2008) Department unpublished data concluded that populations of SAS in areas that historically have been the target of suction dredging mining on the San Gabriel River are healthy and stable (O'Brien et al., in press).

Table 3-6. Department Region 5 (Los Angeles, Orange, San Diego, Santa Barbara, and Ventura Counties)

County	Water	Letter	Nature of Comment	Response
				Therefore, no deleterious effects are evident and no change to the regulations has been made. Class A restrictions for SAS were assigned to sensitive areas within Big Tujunga Canyon and the San Gabriel River watershed; unoccupied critical habitat for SAS was not designated Class A because a deleterious effect to SAS could not be concluded.
Santa Barbara	Sisquoc	051011_FOR	Designate as Class A for steelhead and California red-legged frog (CRLF).	The comment requested that the Sisquoc River be changed to Class A. The Department confirms that the Sisquoc River watershed supports southern California DPS steelhead and CRLF. Streams supporting these species in Department Region 5 require Class A restrictions to prevent deleterious effects. Therefore, the Proposed Regulation for Sisquoc River and its tributaries has been changed to Class A.
San Diego	Multiple	040611(b) (6)	Requests justification for changes to Class A.	The comment questioned why so many streams have been designated as Class A. In the 1994 regulations, all of San Diego County was Class H. In the revised regulations published in the DSEIR, 44 streams in San Diego were designated Class A. All coastal drainages and their tributaries, from San Mateo Creek south to the Santa Margarita River, are designated Class E; all waters not specifically listed in San Diego County are Class H. The basis for these species-based designations is provided in Appendix L of the DSEIR, along with an explanation of the life history of the "Action Species" presented in DSEIR Table 4.3-1 and Appendix K. No changes to the proposed regulations have been made.
	San Luis Rey River	051011_FOR	Make Class A for steelhead reintroduction and willow flycatcher.	The comment requested that the entire San Luis Rey River be changed to Class A for steelhead reintroduction and protection of willow flycatcher. The Department confirms the sighting of an adult southern steelhead in the lower watershed and arroyo toad occurrences throughout the watershed. Streams supporting these species in Department Region 5 are assigned Class A restrictions to prevent deleterious effects. Therefore, the Proposed Regulation for San Luis Rey River and its tributaries has been changed to Class A.

Notes: CRLF = California red-legged frog, Department = California Department of Fish and Game, SAS = Santa Ana sucker, USFS = U.S. Forest Service, USFWS = U.S. Fish and Wildlife Service

Source: Data compiled by Horizon Water and Environment in 2011

Table 3-7. Department Region 6 (Imperial, Inyo, Mono, Riverside, and San Bernardino Counties)

County	Water	Letter	Nature of Comment	Response
Region 6		050911 (b) (6)	Close streams.	The recommendation that all streams closed under the 1994 regulations should also be closed in the proposed regulations is not based in science, as is the case with a recommendation that all streams that were open in 1994 should be open in the proposed regulations. The proposed regulations are based on the best scientific information available and the reasons are outlined in the DSEIR, with the key or most restrictive Action species listed in Appendix L. Closing rivers because of their designation (e.g., Wild and Scenic, Wild Trout) does not necessarily relate to deleterious effects on *Fish,* which are the basis under which the regulations were developed in keeping with the legal authority given to the Department.
Inyo	Birch Creek and Antelope Spring Creek	050911	Remove Class A for black toad.	The comment suggests that the regulations were misapplied to these streams. Birch Creek feeds Deep Spring Valley, which supports a population of black toad. The population in Antelope Springs Creek is also believed to be extant. Suction dredging in these drainages could result in deleterious effects on black toad. No changes to the proposed regulations have been made.
Mono	Multiple Waters: all rivers and streams, unless otherwise noted	040311	Is opposed to dredging, especially in Swauger Creek.	The comment expressed opposition to dredging in Mono County, especially on Swauger Creek. The comment is noted, but no additional information has been presented relating to deleterious effects on *Fish*. No changes to the proposed regulations have been made.
San Bernardino	Multiple Waters: all rivers and streams unless otherwise noted	040611	Requests justification for changes to class A.	The comment questioned why so many streams have been designated Class A. In the 1994 regulations, all of San Bernardino was class H. In the regulations published in the DSEIR, 17 out of 21 streams listed were changed to Class A. All waters not specifically listed in San Bernardino County would be Class H. The species-based restrictions for the Class A designations are provided in Appendix L, with an explanation of the life history of the "Action Species" presented in Table 4.3-1 and Appendix K. No changes to the proposed regulations have been made.

Table 3-7. Department Region 6 (Imperial, Inyo, Mono, Riverside, and San Bernardino Counties)

County	Water	Letter	Nature of Comment	Response
		051011_USFS	Close perennial or intermittent water sources in Mountaintop and San Jacinto Ranger Districts and Wild and Scenic Rivers in Ranger Districts.	The comment suggested that all perennial and intermittent water sources that occur on the USFS Mountaintop and San Jacinto Ranger Districts be Class A for "known occurrences, critical habitat, and suitable habitat for federally threatened, endangered, and sensitive species." No information was provided on species distribution and potential deleterious effects. Therefore, no changes to the proposed regulations have been made.
	Lytle Creek	051011_USFS	Close Lytle Creek for Santa Ana speckled dace.	The comment provided substantial information regarding the importance of Lytle Creek and its habitat for recovery of Santa Ana speckled dace. The Department has considered this information and determined that Class A restrictions are necessary to prevent deleterious effects on Santa Ana speckled dace. Therefore, the Proposed Regulation for Lytle Creek upstream to Miller Narrows has been changed to Class A for Santa Ana speckled dace.
	Mill Creek	051011_USFS	Close Mill Creek for Santa Ana sucker (SAS) Critical Habitat.	The comment noted that Mill Creek in San Bernardino National Forest is designated Critical Habitat for SAS, and thus should be Class A. The comment did not indicate that SAS were present. No determination on deleterious effects can be made; therefore, no changes to the proposed regulations have been made.
	Cajon Wash	031511_(b) (6) 051011_USFS	Close Cajon Wash for arroyo toad.	The comment stated that Cajon Wash should be designated Class A for arroyo toad. The Department has determined that Class A restrictions are necessary to prevent deleterious effects on arroyo toad. Therefore, the proposed regulations for Cajon Wash have been changed to Class A for arroyo toad.
	Whitewater River, North Fork	051011_USFS	Close entire Whitewater River watershed for the recovery of Sierra Madre yellow-legged frog (SMYLF).	The comment suggested that the entire Whitewater River watershed on the San Bernardino National Forest should be designated Class A for SMYLF recovery. In the DSEIR, the North Fork of the Whitewater River was designated Class A for SMYLF. Both the Middle and North Forks of the Whitewater River are currently unoccupied habitat (Bennet, pers. comm., 2011). The Department is not able to develop regulations to protect a *Fish* from deleterious impacts if the species is not present. If species are reintroduced in the future, then the regulations may need to be revised accordingly. Therefore, the North Fork Whitewater River has been removed from Class A designation in the proposed regulations.

Table 3-7. Department Region 6 (Imperial, Inyo, Mono, Riverside, and San Bernardino Counties)

County	Water	Letter	Nature of Comment	Response
Riverside	Multiple Waters: all rivers and streams unless otherwise noted	040611(b) (6)	Requests justification for changes to class A.	The comment questioned why so many streams have been designated Class A. In the 1994 regulations all of Riverside County was Class H. In the regulations published in the DSEIR, 15 out of 23 streams listed have been changed to Class A. All waters not specifically listed in San Bernardino County would be Class H. The species-based restrictions for the Class A designations are provided in Appendix L, with an explanation of the life history of the "Action Species" presented in Table 4.3-1 and Appendix K.
		051011_USFS	Make San Mateo Creek and tributaries Class A for arroyo toad and southern California DPS steelhead.	The comment requested that the San Mateo Creek be changed to Class A. The Department confirms that the San Mateo Creek supports southern California DPS steelhead and Arroyo Toad. Streams supporting these species in Department Region 6 are designated Class A to prevent deleterious effects. Therefore, the Proposed Regulation for San Mateo Creek and its tributaries has been changed to Class A.

Notes: Department = California Department of Fish and Game, SAS = Santa Ana sucker, SMYLF = Sierra Madre yellow-legged frog, USFS = U.S. Forest Service

Source: Data compiled by Horizon Water and Environment in 2011